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ABSTRACT

In 1970, the New York Advisory Committee to the United States Commission on Civil Rights undertook a study of the State Department of Correctional Services. Using information obtained from observations and from interviews with officials, staff, and inmates, the investigation focused upon the impact of the system on minorities and women. In the process, the larger areas of incarceration and parole were reviewed. This report presents the findings of the study through 1972. The racial/ethnic composition of correctional staff (less than 8% minority) is contrasted with that of the inmate population (72.5% minority) in the ten State institutions for men. Changes in policy and conditions since 1970 are reviewed. Included in this discussion is information on the role of correctional personnel, censorship, inmate assignment to institutions, racism, inmate works assignments, and educational programs. The Clinton and Auburn correctional facilities and the women's division of the Bedford Hills correctional facility are described in some detail, in terms of race/ethnicity of the inmate population, temporary work release programs, and health and medical care provided. The procedures and effectiveness of the State parole system are reviewed and criticized. A list of recommendations for the correctional system and for specific institutions is presented. (GC)

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WAREHOUSING HUMAN BEINGS:

A REVIEW OF THE NEW YORK STATE CORRECTIONAL SYSTEM

A report prepared by the New York State Advisory Committee to the U.S. Commission on Civil Rights.

December 1974

ED179637

ATTRIBUTION:

The findings and recommendations contained in this report are those of the New York State Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

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LETTER OF TRANSMITTAL

NEW YORK ADVISORY COMMITTEE TO THE
U. S. COMMISSION ON CIVIL RIGHTS
DECEMBER 1974

MEMBERS OF THE COMMISSION
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John A. Buggs, Staff Director

Sirs and Madam:

The New York Advisory Committee submits this report of its study of the New York State Correctional System as part of its responsibility to advise the Commission about civil rights and related problems within this State.

The report addresses some of the fundamental inadequacies in the prison system and gives particular emphasis to the problems of the minority inmate. For instance, the report discusses issues such as inmate-correction officer relations in a system where minority inmates now make up almost 75 percent of the population and yet minority employment is under 15 percent.

The Advisory Committee worked on this problem for almost 3 years. The initial examination, which began in June 1970, was interrupted by the 1971 Attica uprising. The study was resumed in 1972 and the Advisory Committee conducted open, public meetings in November 1972. Teams of Advisory Committee members visited a number of institutions and interviewed inmates as well as Department of Correctional Services officials, institution staff, and members of related professional associations.

In addition to inmate-correction officer relations, specific issues examined in this report include physical conditions at the institutions, work and study programs, health services, and the parole system.

The Advisory Committee is forwarding a series of recommendations to interested groups as well as to State and Federal officials. Many of our other original recommendations have already been implemented as a result of informal meetings between Advisory Committee members and Department of Correctional Services officials.

It is our hope that the Commission will support our recommendations and use its influence to help reform the penal system in this State.

Respectfully,

/s/

Hon. Franklin H. Williams
Chairperson

ACKNOWLEDGMENTS

Most of the research for this report was conducted by a subcommittee chaired by W. Haywood Burns, Esq.

The Advisory Committee wishes to thank the staff of the Commission's Northeastern regional office, New York City, for its help in the preparation of this report. Writing assistance was provided by Linda Dunn and Milta Torres, and legal assistance by Eliot Stanley, with support from America Ortiz and Yvonne Griffith. The Advisory Committee also acknowledges the contribution of Susan Braider, a student at Kirkland College, Clinton, New York. All worked under the guidance of Jacques E. Wilmore, regional director.

Final edit and review was conducted in the Commission's Office of Field Operations, Washington, D.C., by Charles Ericksen, chief editor, assisted by Mary Frances Newman and Rudella Vinson. Preparation of all State Advisory Committee reports is supervised by Isaiah T. Creswell, Assistant Staff Director for Field Operations.

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The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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Statement of

The Honorable Franklin H. Williams, Chairperson

New York Advisory Committee, U.S. Commission on Civil Rights

December 1974

In June 1970, the New York Advisory Committee to the U.S. Commission on Civil Rights embarked on a study of the operations of the New York State Department of Correctional Services. We focused the investigation on the impact of the system on minorities and women; however, in doing so, we reviewed the larger process of incarceration and parole.

The report which is being made public now was completed more than 18 months ago. There have been many changes since then. The department has a new Commissioner. There are new policies and new programs, many of which were initiated in response to recommendations in this Advisory Committee's report after it was made available informally to State officials a year and a half ago.

We are releasing the report to the public at this time because we feel strongly that its findings and recommendations, except as we will note, are relevant to the conditions in New York State prisons today. We believe that without continued pressure for major change and a new approach to incarceration, our prisons will continue to be institutions perpetuating rather than preventing crime.

During the period of the Advisory Committee's study, there were perhaps more changes in the correctional system than in any previous time in the system's history. Many of these changes, which are set forth in a departmental document describing its progress, appear to be cosmetic and do not basically affect the rehabilitative process. Others appear to represent real advances over the old, oppressive system. We do not wish to belittle these advances; in fact, we applaud them.

However, in the time since this study was completed, the total number of inmates in the prison system has increased by more than 1,000. Although some smaller community-based prisons have been opened, the same outmoded physical structures antithetical to the rehabilitation process still house the vast majority of inmates. The same outdated approaches mold the lives of most of the men and women who are incarcerated. I am sure the same atmosphere of hostility and the same sense of helplessness makes "Warehousing Human Beings" still an apt description of what our prisons are doing today.

A review of some of the changes which have occurred since our study follows. Perhaps the most striking changes have occurred in an area where our report is sharply critical--the medical care system. We are pleased to note that our first recommendation in this area has been achieved--there is a new director of Prison Health Services. Our second recommendation in the health field, which calls for an advisory board of competent medical personnel to assess the medical care system and to recommend changes, has been met, at least in part, with the appointment of a Health Resource Advisory Committee. Progress has been made on another recommendation in the health field relating to the affiliation of correctional facilities with major medical centers and medical schools. An arrangement has been made to use three hospitals on a regional feeder basis to meet the pressing need for speedy medical surgery. But much remains to be done in this area. While more stringent controls over medical experimentation with inmates have been developed and a medical audit system has been planned, the Advisory Committee's recommendation for establishing a "major program for training inmates for health service occupations" has not been adopted.

The Advisory Committee recognizes that the new director of Prison Health Services has proposed a number of changes and implemented some of them since assuming the office. However, we are in no position to determine the extent to which these changes have made a real difference in the quality of medical care being received by inmates. I believe this

area, as well as several others, should be the subject of a future Advisory Committee study and report.

The employment of minority correction officers and other staff, a second major area highlighted by our report, seems to have improved. According to figures released by the Department of Correctional Services in June of this year, the department has more than met its own minority hiring goal and doubled the number of black and Puerto Rican correction officers. It has hired 19 minority counselors in an area where there were no minorities previously. This increase of minority correction officers of more than 100 percent in a 2-year period, while commendable, only points out the severity of the problem. In August 1974, black and Puerto Rican correction officers accounted for less than 15 percent of the male officers in a system which was populated by almost 75 percent black and Puerto Rican inmates. While there has been progress, the urgency of the situation demands continuing and greatly increased efforts.

Other changes have been made since the Advisory Committee's report was written, but we question whether some of these reforms have altered the conditions they were supposed to correct. For instance:

**The 2-week "medical" quarantine for female inmates at Bedford Hills, criticized in the report, has been replaced by a 48-hour quarantine with the inmate housed in the hospital rather than in segregation cells as previously. However, many inmates are still confined to segregation for lack of hospital space and a new 3-week "reception period" has been imposed, during which time the inmate is still isolated from the general population.

**While there has been improvement in academic and vocational education at some institutions and the department reports that 20 new teachers have been hired, the Advisory Committee's recommendation for the appointment of a "committee composed of persons experienced in the development of educational programs in the inner city," to plan overall and fundamental changes in the educational program, seems to have been ignored.

**While the department has opened several new minimum, medium, and community-based facilities in an effort to provide newer, smaller institutions, the old, outmoded physical structures still remain.

**The department has tried to make the rural, upstate prisons more accessible by instituting weekly bus service for visitors between New York City and several prisons. However, this program hardly corrects the real problems of physical isolation and of a hostile environment created by these upstate prisons.

In contrast to the above, to the best of our knowledge, there have been no basic changes in an area which is of paramount concern to every incarcerated person--parole. The Advisory Committee made recommendations that the size of the Parole Board be "at least doubled" and that the newly appointed board members be "representative of the cultural and ethnic make up of the inmate population;" that specific, written criteria for denying and granting parole be established and that the inmate receive written reasons for denial of parole; that decisions of the Parole Board be appealable in the courts; and that a contract system of parole, similar to that used in Minnesota, be adopted. All these recommendations still await the action of the responsible bodies.

Among other items recommended in the Advisory Committee's report which remain in the "unfinished business" category are the following:

1. Though procedures have been liberalized to some extent, mail and the reading matter of inmates are still censored. Our Advisory Committee calls for the elimination of all censorship.

2. We still see the need for a qualified management review team to evaluate the performance of superintendents and senior staff at correctional facilities. We are convinced that the replacement of incompetent senior staff is a first step in fundamental reform.

3. In addition to increasing the hiring of minority correction officers, steps must be taken to facilitate the rapid distribution of minority officers throughout the system. Existing transfer lists should be eliminated, or as our report recommends, dual transfer lists established (one for minorities and one for whites) to insure that minority officers are placed in institutions throughout the State.

As noted, the New York State Department of Correctional Services has made some important strides along the road from "warehousing" to rehabilitation. However, in view of what remains to be done, this is no time for praise. Rather, from our vantage point, we call upon the department to redouble its efforts in those areas where some progress has been made and to move at once in those areas where little has been accomplished.

Finally, we see some other signs on the horizon which give us additional cause for concern. The "law and order" atmosphere which seems so prevalent at this time throughout State Government and elsewhere threatens to halt the limited progress which has been made. As the memory of Attica grows dim in the minds of some, we fear that there may be a return to the old totally repressive system. In our opinion, the new, more punitive State drug law and second-felony legislation are examples of that repressive mood. The fact that the legislation authorizing work release received only a 2-year extension, rather than being made permanent, and the failure of the recent legislature to approve the college for inmates at Bedford Hills, are other indications of such retrogressive thinking.

In releasing this report at this time, the New York Advisory Committee recommends that the Governor, the legislature and Department of Correctional Services establish a commission on alternatives to incarceration composed of penologists, sociologists and others, including former inmates, to develop a plan for closing existing outmoded facilities and establishing innovative rehabilitative and therapeutic programs.

We hope that this report will play a part in resensitizing the citizens of this State to their responsibilities to create a modern, humane, and rehabilitative system. The "warehouses" must be replaced; alternatives to traditional systems of incarceration must be developed; we must find a better way to assist those who have run afoul of the law to return to useful and constructive lives.

I - INTRODUCTION

Since the Attica uprising of September 1971, there has been no dearth of reports on the New York State correctional system. The report of the New York State Special Commission on Attica (the McKay Commission Report) and the report of the Select Committee on Correctional Institutions and Programs (the Jones Committee), to name two, have detailed many of the inadequacies and injustices of our correctional system. The present report does not purport to be a thorough examination of the New York State correctional system. Rather, the members of the New York State Advisory Committee to the U.S. Commission on Civil Rights have attempted to present their informed views on a few of the issues involved in the complex area of correctional services.

Discrimination on the basis of race, color, religion, national origin, and sex,[1] and the administration of justice are the primary concern of the U.S. Commission on Civil Rights. Therefore, particular attention was directed to the effect of the correctional system on the minority inmate. Inasmuch as racial and ethnic minorities comprise a majority of the system's inmates (approximately 70 percent), the Advisory Committee has also addressed itself to systemic problems that do not have apparent racial implications.

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1. The U.S. Commission on Civil Rights received jurisdiction over discrimination on the basis of sex in October 1972, after field investigations were completed.

The New York Advisory Committee's involvement with this issue predates by several months the awful and awesome events at Attica which dramatically and tragically thrust the subject of correctional facilities into the public arena. In June 1970, the New York Advisory Committee established a subcommittee on correctional facilities. After several weeks of study of available data, members of the subcommittee conferred in Albany with the then Commissioner of Corrections Russell G. Oswald, Deputy Executive Commissioner Walter Dunbar, and several senior staff members of the Department of Correctional Services.

As a result of this session, Commissioner Oswald agreed to grant carte blanche to Advisory Committee members to visit institutions and to talk freely with inmates and staff, unhampered by usual protocol. It was further agreed that members of the Advisory Committee, before embarking on their institutional visits, would spend a day or more in Albany being briefed thoroughly on all aspects of department policy and regulations. Prior to the Albany briefing, the Department of Correctional Services would forward to Advisory Committee members a kit containing copies of relevant policies and regulations.

The kits were mailed to Advisory Committee members, and staff began to arrange for a date for the Albany briefing. Then, on September 9, the news broke that a group of inmates at Attica Correctional Facility had revolted, taken control of a cellblock, and were holding 42 guards as hostages. The tragic events which followed are well known. Their impact on the Advisory Committee's work was to cause a delay of nearly 1 year in carrying out the original plan of institutional visits. The Attica uprising not only produced a series of investigations, but resulted in resistance throughout the correctional system to investigative committees and a near-phobia against "outsiders" visiting inside.

It was not until January 1972 that the Albany briefing was held, and not until February 1972 that a team of Advisory Committee members made the first 2-day visit to Ossining Correctional Facility (Sing Sing). From February through June 1972, teams of Advisory Committee members and staff made one or more visits to six correctional facilities in the State of New York. The institutions were: Bedford Hills, Clinton, Auburn, Green Haven, Wallkill, and Ossining (Sing Sing).

Advisory Committee teams usually consisted of four to six persons, male and female, black, Spanish speaking and white, and visits generally lasted for 2 days. At each institution the Advisory Committee visited the major facilities--the school, industries, commissary, clinic or hospital, cellblocks and the segregation area. At each institution the team had at least one meal with the inmates and inspected the kitchen. Free-wheeling conversations were held with inmates in recreation areas, in cellblocks, during meals, at work and in school. Most of these conversations were held beyond the earshot of correction officers. In addition to the sessions with inmates, conversations were held with correction officers, their supervisors, and specialized staff such as counselors, classification officers, parole officers, teachers, medical personnel, etc. Each visit was concluded with a session with the superintendent of the institution. The Advisory Committee received a number of letters from inmates following each visit, and in some cases correspondence has continued.

Reports of each visit were compiled and considerable time was devoted to analyzing the data collected. In September 1972, a questionnaire was sent to a number of New York State correctional facilities to collect comparable statistical data. Several tables in the report summarize some of the data collected through the questionnaire.

At this juncture it was decided that an open meeting would be held to complete the data collection process. Under Commission regulations, State advisory committees may hold open meetings, which are in the form of public hearings except that testimony is not taken under oath and no subpoenas are issued.

On November 15 and 16, 1972, the New York State Advisory Committee met in open session to receive information from officials of the Department of Correctional Services, former inmates, and representatives of ex-offender organizations. During the 2-day session, 24 individuals presented information to the Advisory Committee. Commissioner Oswald and Deputy Executive Commissioner Dunbar, superintendents from four institutions, and selected Albany staff of the Department of Correctional Services presented their views and responded to questions from Advisory Committee members. Transcripts of the sessions are available for public inspection and review at the Commission's offices in New York City and in Washington, D.C., as is the questionnaire used in this study.

While summaries of all data collected by the Advisory Committee and the transcripts of the open sessions have been forwarded to Washington for inclusion in the Commission's national prison study, only a small part of that data will be presented in this report. Institutions visited by the Advisory Committee included three maximum security facilities, one medium security, one reception center, and the State's only facility for the incarceration of female offenders. The Advisory Committee decided to concentrate on maximum security institutions so it omitted reviews of Wallkill (medium security) and Ossining (reception center) in this report. Of the three maximum security facilities, Clinton and Auburn seemed to represent opposite ends of a continuum. Therefore, in the interest of brevity, Green Haven was also omitted. This left Auburn, Bedford Hills, and Clinton.

In the Advisory Committee's many conversations with inmates and in the numerous letters received from them, two subjects were of utmost concern--medical care and release from incarceration. Therefore, the Advisory Committee decided to present supplementary data on health care, parole, and work release.

A primary function of State advisory committees to the U.S. Commission on Civil Rights is to collect and analyze data which may be submitted to the Commission for inclusion in national studies and reports. However, the Advisory Committee hopes that this report will also be of value to the New York State Department of Correctional Services in reevaluating its policies in relation to inmates, and to private citizens and organizations interested in prison reform. For this reason, specific findings and recommendations on a number of areas are included.

No attempt is made to deal with the fundamental issue of incarceration itself. This review addresses itself to the correctional system as it exists today; it is based on the assumption that this system will not be altered significantly in the near future.

However, the adoption of this perspective by the Advisory Committee should not be considered as endorsement of/or agreement with the present correctional system.

II - THE DEPARTMENT OF CORRECTIONAL SERVICES

The New York State Department of Correctional Services administers 10 major correctional facilities for men, a women's facility, and a number of newer diagnostic, treatment, youth, and community-based centers.

The 10 major facilities for men are: Attica, Auburn, Clinton, Coxsackie, Eastern, Elmira, Great Meadow, Green Haven, Ossining, and Wallkill.

In September 1972, a staff of 4,540 was employed in these institutions, serving an inmate population of 11,456. Personnel in the 10 facilities was less than 8 percent minority, although minorities constituted 72.5 percent of the inmate population. A breakdown shows:

Table I

Percentage Comparison by Race and Ethnicity of Inmate and Staff Population for Ten New York State Institutions for Men (as of September 1972)

	Black	Spanish Speaking	Native American	Other Minorities	White	Total
Staff (4,540 persons)	6.2%	1.3%	----	0.1%	92.2%	99.8%*
Inmates (11,456 persons)	59.1%	12.2%	0.3%	0.1%	27.5%	100.2%*

*--Column does not add to 100.0% due to rounding.
Source: New York State Department of Correctional Services

According to the 1972 ethnic census of State employees, the department as a whole employed 7,935 persons, or 4.6 percent of all State employees. A total of 801, or 10.1 percent of the department's employees, were minority. This represents a 5.6 percent increase over the 1967 figure of 4.5 percent. The increase is illustrated on the following table:

Table II

Increase in Minority Employment in the
New York State Department of Correctional Services
1967-1972

	Black	Puerto Rican	Other Minorities	White	Total
Total Department Staff--1972	667	109	25	7,134	7,935
Total Department Staff--1967	290	3	1	6,280	6,574
Increase 1967-1972	377	106	24	854	1,361

Source: New York State Department of Civil Service

The 1970 Legislature of the State of New York created the Department of Correctional Services by merging the former Department of Correction with the Division of Parole. This legislation became effective on January 1, 1971. Russell G. Oswald, who for 12 years had been chairman of the State Board of Parole and executive officer of the Division of Parole, was appointed by Governor Rockefeller to head the new department. Walter Dunbar, a former chairman of the Federal Parole Board and former director of corrections for the State of California, was brought in as executive deputy commissioner. Commissioner Oswald and Deputy Commissioner Dunbar quickly set into motion a series of policy changes which began to shake the foundations of the previous archaic system.

In its first 6 months, the Oswald-Dunbar administration issued a series of administrative bulletins which began the process of change:

1. A policy statement was issued announcing a move away from maximum security institutions and towards the development of "community-based and community-oriented programming."

2. Machinery was established to review and evaluate all policies and procedures of the old department.

3. A $3.5 million grant--the largest given to any correctional system--was obtained from the Federal Law Enforcement Assistance Administration (LEAA) to institute a series of new programs and projects.

Specific directives issued during this period produced the following institution-level changes:

1. Inmates were permitted uncensored mail to and from their attorneys, the Commissioner of Correction, the Parole Board, judges, and specific Federal and State elected officials.

2. Mail and visits were permitted between inmates and their common-law spouses.

3. The policy regarding censorship of reading matter was relaxed somewhat and a system of review of institution-level decisions was established in Albany.

4. A policy permitting greater access to institutions for the news media was announced.

5. Screens, barriers, and partitions were ordered removed from visiting rooms at all facilities.

6. A policy permitting all inmates to shower at least once a day was announced.

7. A new directive was issued covering the use of force or gas with inmates.

While to those on "the outside" such reforms may appear to be less than earth-shaking, the fact that they had to be instituted is some indication of the backwardness of the correctional system.

This orderly progression toward reform was abruptly interrupted by the events at Attica Correctional Facility in September 1971. The directives on the use of force seemed to have had little relevance when 43 men lay dead. Provisions for daily showers and the removal of visiting room screens appeared extraneous as naked men ran a gauntlet of fierce racial slurs and billy clubs. The Department of Correctional Services, which had been moving toward reform, was suddenly on public trial for barbarism.

While Attica did interrupt the forward movement of the department, it did not halt it. As Attica slowly receded from the headlines, department officials returned to their task of reform.

The Legacy of the Past

In his testimony to the New York Advisory Committee, Commissioner Oswald spoke of the difficulties of building a new structure on an old and decayed foundation. He told the Advisory Committee:

> We have enunciated the belief that there were far too many people in maximum security. Unfortunately, the State of New York is saddled with huge maximum security institutions which have existed for many, many years, the newest of which were built in the forties, and these massive monolithic institutions are really built for internment rather than for any semblance of the kind of treatment that we want to put into them.[1]

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1. Transcript, open meeting of the New York Advisory Committee to the U.S. Commission on Civil Rights, New York, N.Y., Nov. 15-16, 1972, Vol. I, p. 1. Hereinafter, all references to testimony heard at the open meeting will be indicated in the body of the text by transcript volume and page numbers in parentheses.

The age, location and classification of the major units of the New York correctional system are:

Facility	Location	Year Built	Type
Auburn	Heart of the city of Auburn	1816	Maximum
Ossining	Hudson River, Village of Ossining	1826	Maximum
Clinton	Dannemora, near Canadian border	1845	Maximum
Elmira	City of Elmira	1876	Maximum
Bedford Hills	Suburban	1901	Medium
Great Meadow	Rural	1911	Maximum
Attica	Rural	1927	Maximum
Wallkill	Rural	1932	Medium

Deputy Commissioner Edward Elwin told the Advisory Committee:

> Realistically, when the old Department of Correction received a man who was 25 years of age, and he received a ridiculous sentence, like 60 to 80 years, they made what, from a reality point of view, was known to be considered a logical decision. The man is now 25, on a 60 to 80, the earliest period that he is even eligible for parole is 40 years hence. You now say, the earliest period of time this man can get out is age 65. At that point you're not talking program; you're not talking rehabilitation; you're talking warehousing that man.
>
> ...Unfortunately, we have a force, both in custody and to some extent even in program areas (that)...grew up in a climate where the primary thrust of the department was one of warehousing. (vol. I, p. 125)

As of October 1972, the department had diversified its facilities by developing the following specialized resources:

1. Adirondack Correctional Treatment and Evaluation Center (ACTEC)--Dannemora:

   Community preparation (a graduated medium-to-minimum security program for 50 male inmates)

Diagnostic and treatment program (150 male offenders with repetitive criminal records)

Prescription program (for selected inmates who have become clearly unresponsive to routine procedures)

Stress assessment program (graduated medium-to-minimum security program for 50 inmates to assess readiness to return to the community)

2. Community Preparation Correctional Center at Albion

A minimum security prerelease center of 300 men

3. The Adult Camp at ACTEC, Dannemora

A minimum security camp of 100 men engaged in environmental conservation and related projects

4. Youth Camps

Four existing minimum security camps for 360 participants, age 25 or under--environmental, conservation and related projects (These programs were operative prior to the development of the diversification program.)

5. Community Correction Center at Rochester

A transitional residence program for 50 male inmates

6. Green Haven Narcotic Addict Treatment Program

A medium security prerelease program for 250 men

7. Office of Vocational Rehabilitation Program at Attica

For 65 physically or emotionally disabled offenders

8. Wallkill Correctional Facility

A medium security facility for 500 males providing comprehensive academic and vocational programs (These programs were operative prior to the development of the diversification program.)

The Role of the Institutional Superintendent

There is wide variation in policies and procedures from one institution to another. To a large extent, the variation reflects the attitude of the superintendent. Historically--and to some extent today--each superintendent ran his prison with little direction from Albany and had to contend with few systemwide regulations. For example, at the time of the Advisory Committee's open meeting, the department had no systemwide rule book governing inmate behavior. The transcript of the testimony of the four superintendents who presented information to the Committee provides ample evidence of the variations in attitude and approach:

Superintendent Robert J. Henderson (Auburn):

This was developed by us at the facility in response to problems that we were having where people were not understanding some of our procedures, rules, and regulations, and we found that we needed something like this in order to let everybody know what the score was...(Vol. III, p. 65)

Superintendent J. Edward LaVallee (Clinton):

The Advisory Committee: Do you think it would be proper to have a rule book pertaining to your own institution's rules... so that every inmate when he comes in will know exactly what is expected of him...and if you do, why hasn't this been done?

Mr. LaVallee: The answer to your question, of course, is yes. Why it hasn't been done, I don't know...Now there is many things that enter into this. First off, we have to get it printed, and this would take money.

The Advisory Committee: May I ask if you have--just to get a little mundane--do you have a mimeograph machine?

Mr. LaVallee: Oh, yes. (Vol. III, pp. 26-27)

Deputy Commissioner Dunbar told the Advisory Committee that a systemwide rule book should and would be developed. (Vol. IV, p. 331)

Another variation among superintendents which the Advisory Committee found dealt with the use of force by correction officers. In issuing new directives on the use of force, the department has developed a "use-of-force form." Superintendents are to complete this form and forward a copy to Albany in each instance when force is used to control an inmate.[2] The Advisory Committee questioned Superintendent Henderson concerning the use of force:

Superintendent Henderson: .. We have to fill out a form, the use-of-force form, a copy of which goes to the main office every time force is used.

The Advisory Committee: I would appreciate it very much if you could...supply the Committee with records with respect to the period of January 1 up to the present...

Mr. Henderson: I can certainly do that. (Vol. IV, pp. 81-82)

The Advisory Committee also questioned Superintendent LaVallee:

The Advisory Committee: Since January of this year, could you give us...a ball park figure about how many inmates had received medical attention because of the reasons we just discussed...(use of force by a correction officer)?

Superintendent LaVallee: Well, my ball park figure would be at first blush none. But I can't say that because if physical force was used, which I assume it has been, and I know it has been, then the doctor did examine the man, and maybe there was a use of some iodine or whatever--.

The Advisory Committee: Could you provide the Committee with a list of the number of instances since January 1, 1973?..

Mr. LaVallee: I could do this, but it would be a tremendous job...not because of so many, but to research a thing of that kind we got to go through all the records...(Vol. III, pp. 45-46).

Neither superintendent forwarded the requested records to the Advisory Committee.

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2. Albany, N.Y., State Dept. of Correctional Services, "Administrative Bulletin No. 85" (Apr. 7, 1971).

Commissioner Oswald was questioned by a member of the Advisory Committee on the wide latitude which superintendents appear to have. He indicated that the department had its problems in getting superintendents to follow procedures, "...and we almost coerce them into making changes." He further reported that the problem resulted in part from the lack of staff in Albany to supervise superintendents:

> One is staff for the deputy commissioner in charge of these services. He never had a staff before. For 50 years, he was the only one who supervised the institutions, and there are 22 of them in the State. It's the largest correctional system in the world. (Vol. I, p. 21)

Commissioner Oswald told the Advisory Committee that the requirements for becoming a superintendent had been tightened and the decision had been made to open the examination nationwide for the first time. Also for the first time, the position will require a minimum of a bachelor of arts degree, plus appropriate experience.

The Role of the Correction Officer

Recently, much has been written about the chasm which divides the correction officer and the inmate, in New York State as well as in many other systems. The Advisory Committee's visits to institutions and its informal hearings confirmed this to be a major problem in New York. At the time of the Advisory Committee's informal hearings, Commissioner Oswald said that the percentage of minority personnel in the department had increased from about 5 percent in 1971 to about 9.6 percent at the end of 1972 as a result of new department recruitment emphasis. Minority inmates comprise more than 70 percent of the population. He gave the Advisory Committee the following breakdown of the inmate population: black, 56.7 percent; Puerto Rican, 14.2 percent; and white, 28.8 percent. (Vol. I, p. 13)

The Advisory Committee found the problem even greater than these statistics would indicate. The chasm is not just one of black and white, it found, or Spanish speaking and English speaking; it is the gulf which divides inmate and correction officer on the basis of background, life style, value system, and mode of expression.

Deputy Commissioner Elwin put it this way:

> There is a problem between minority and caucasian largely predicated on the fact that the preponderance of the employees who work there have had little or no experience with blacks and Puerto Ricans prior to the time that they come to work for the department... On top of this you have the rural-urban problem to a great extent. Because of the location of our facilities, the employees in the facility have come out of rural background; to some extent even their educational training has been somewhat parochial. Beyond even the black and Puerto Rican inmate, the majority of inmates come out of urban communities with a life style that is peculiar to urban communities, and it's sometimes perceived of as threatening by the correction officers. (Vol. I, pp. 24-25)

The tables on the following two pages indicate the minority breakdown of staff, first according to assignment and rank, and then according to correctional institution.

Another high official of the Department of Correctional Services--Wilson E. J. Walters, the director of staff development--used more graphic language to describe the perspective of many correction officers:

> I think the degree of estrangement is this: I believe from my conversations with a number of the officers from the various facilities, that they feel about these people as though they were, well, some special kind of breed of animal; in many respects they thought this animal...had very little hope for rehabilitation, that perhaps the major function of a correction officer was to provide them with the necessary custody or security...Rehabilitation and interaction seemed to be secondary if at all considered. (Vol. I, p. 79)

Table III

Minority Percentage of Custodial Force by Assignment and Rank
(As of October 1971)

Position	Total Employees	Percent Minority
Deputy superintendent	13	7.7%
Assistant deputy superintendent	13	----
Correction captain	14	----
Correction lieutenant	77	1.3%
Correction sergeant	132	4.5%
Correction officer	3,273	7.9%
Correction hospital security supervisor	3	----
Correction hospital chief officer	3	----
Correction hospital supervising officer	19	----
Correction hospital charge officer	68	2.9%
Correction hospital senior officer	113	----
Correction hospital officer	588	2.4%
Camp superintendent	4	----
Camp assistant superintendent	12	----
Camp officer	70	1.4%
Total--all custodial titles	4,402	6.2%

Source: New York State Department of Correctional Services

Table IV

Minority Percentage of Custodial Force by Correctional Facility
(As of October 1971)

Facility	Total Custodial Employees	Number Minority	Percent Minority Correction Officers	Percent Minority Supervisory Personnel*
Attica	380	1	0.3%	----
Auburn	327	3	0.9%	----
Clinton	382	3	0.8%	----
Green Haven	391	14	3.7%	5.5%
Ossining	370	120	32.4%	----
Wallkill	96	1	1.0%	----
Reception Center	51	1	2.0%	----
Elmira	257	3	1.2%	----
Eastern	214	5	2.3%	----
Great Meadow	314	3	1.0%	----
Coxsackie	159	1	0.6%	----
Woodbourne	234	3	1.3%	----
Bedford Hills (male)	126	9	7.1%	----
Bedford Hills (female)	147	85	59.2%	33.3%
Diagnostic & Treatment Center	57	0	----	----
Dannemora State Hospital	195	0	----	----
Matteawan State Hospital 211) Beacon State Institution 124)	=	14	4.2%	2.1%

*Supervisory personnel includes sergeant through deputy superintendent.
Source: New York State Department of Correctional Services.

The Advisory Committee found these problems exacerbated by another set of developments described by correctional service staff: On the one hand, there is a new type of inmate who is intelligent (if not educated), vocal, and acutely aware of his rights as a human being. He is what Commissioner Oswald acknowledged as a "new breed of prisoner." (Vol. I, pp. 6-8) He sees himself more as a victim of an oppressive society than as a criminal, and the correction officer with whom he has daily contact is "Exhibit A" of that oppressive society. The neighborhood in which he was raised as well as the treatment accorded him by the police officer, the courts, the legal aid attorney, the parole board and parole officer, as well as the correctional officer, are all elements of that oppressive society. Often inmates see the "real criminals" as those who manage a law enforcement system which is very inefficient in controlling the narcotics business which may be the root cause of their imprisonment, and yet is very efficient at apprehending and incarcerating those who use narcotics. And for many, it is the color of their skin or the language which they speak which marks them for oppression. As one inmate told an Advisory Committee member visiting a correction facility:

> You can dig it, can't you, Brother? Just look around this place...Only black folks... and a few dumb white folks, commit crimes.[3]

On the other hand, a "new correction officer" has emerged in recent years. He, too, sees himself as the victim of an unjust system--a system which is concerned more with protection of the rights of criminals, whom he may perceive as sub-human, than it is concerned with the rights of the God-fearing, upright citizens of his community. He opposes plans to recruit more black and Spanish speaking officers as a threat to his economic security. He opposes prison reform as a threat to his physical security. He has organized his fellow officers in defense of his way of life. This politicization of correction officers is today an important factor in the drive for reform of correctional procedures.

Commissioner Oswald described the situation in the following terms:

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3. Advisory Committee Report, Visit to Ossining Correctional Facility, Jan. 30-31, 1972.

> One of the very real problems with which we're dealing, of course, is the polarization that is taking place between those who feel there is no necessity for prisons at all and those who feel that there ought to be more prisons, more rigidity, more maximum security, and this even works down to some of our own staff. The correction officers, with great justification, are both anxious and careful, and feel that many of the things that we're doing, such as taking down visiting screens, relaxing correspondence regulations, is mollycoddling, and we're compromising their ability to discipline people. (Vol. I, p. 5)

In January 1972, the Department of Correctional Services launched an attack upon the problem of inmate-staff relations. It involved both a minority recruitment program and initial and in-service training for staff. Under a grant from the Federal Law Enforcement Assistance Administration (LEAA), the department hired a director of minority group manpower programs and nine other staff members (three black, three Spanish speaking and three white). The program included recruitment, community relations, and human relations training for personnel. A goal was established to hire 350 new minority group correction officers and 20 new minority group counselors over a 2-year period. A departmental affirmative action plan was developed by Dr. Allen H. Bush, program director who also served as the department's EEO officer. In addition, a new division, the bureau of staff development, was set up to conduct staff training.

At the time of the Advisory Committee's informal hearing, human relations training for department staff in Albany had not begun. At the hearing, Dr. Bush was critical of the progress made. He stated that training both for correction officers and at the "highest management levels" was "most important." However, he indicated that he had not shared in the drafting of the proposal for the programs. He also said that the total of 350 minority group persons was "not adequate for what we have to do." (Vol. II, p. 217)

According to department staff, the recruitment of additional black and Spanish speaking officers was just part of the problem. There was also the serious problem of distributing such officers throughout the system. As Table IV

indicates, the Bedford Hills facility (female) had 59.2 percent minority officers and Ossining had 32.4 percent. On the other hand, six facilities had less than 1 percent, two of which had no minority officers at all. Four others had less than 2 percent. These imbalances were caused in part by the presence of "transfer lists," apparently a "sacred cow" as far as the correction officers' union is concerned. Officers who wished to transfer to a particular facility were placed on a list for that facility and when vacancies occurred, officers from the transfer list were given priority over new employees. These lists were crowded with white correction officers seeking transfer to upstate facilities, the same facilities where minority officers were grossly underrepresented.

One Advisory Committee member suggested that until the imbalances were corrected, two lists (one white and one minority) could be created, as has been done in some industrial concerns in an effort to eliminate the effects of past discrimination. Dr. Bush responded:

> It has been discussed quietly. I did not do it personally, but they went straight up in the air when they mentioned this...They felt this was a sacred cow and they were not about to disturb it.
>
> I think it takes a much stronger push than what we're talking about here. It would have to become a mandate before it's (transfer list) going to be broken. (Vol. II, pp. 229-230)

To the inmate, the correction officer is the department's visible representative. However, there are countless other personnel at the facility level and in Albany who exercise great power over the inmate's life and his or her future. There are classification officers who determine the inmate's work assignment or the extent to which he or she may attend school; there are counselors whose job it is to advise the inmate on personal problems and to assist in the rehabilitative process; there are teachers; and there are institutional parole officers who prepare the folder which determines in large measure whether the inmate will be freed. There are almost as many non-uniformed personnel in the system as correction officers. Fewer black and Spanish speaking background personnel are in these critical non-uniformed positions than are in the uniformed service... Finally, the department's headquarters in Albany, with the exception of one deputy commissioner and

Dr. Bush's staff, is largely devoid of black and Spanish speaking personnel.

While visual surveys may be quite inaccurate, representatives of the Advisory Committee were present in the department's Albany offices when a bomb threat required the evacuation of all employees to a nearby building. This permitted visual observation of virtually the entire staff, from file clerks to senior officials. Advisory Committee members were struck by the contrast between the color of those who make policy and those who are governed by it.

Censorship

As previously noted, one of the first moves of the new Oswald-Dunbar administration was to relax the regulations covering censorship of inmates' mail and to set up review machinery at the facility and Albany levels to pass on literature.

At the time of the hearing, inmates were allowed to correspond only with those persons who were on an approved list. The inmate who wished to add persons to the list submitted the names to the authorities. Each prospective correspondent was sent a form requesting personal information. All mail from persons on the approved list was read by facility staff and "objectionable" statements were removed or the letter returned. Mail to and from attorneys of record, the Commissioner, the Parole Board, judges, and specified Federal and State elected officials were excepted from censorship. Another administration reform permitted inmates to correspond with common-law spouses.

During visits to various facilities, Advisory Committee members were told by inmates that letters written by them expressing strong criticism of what they perceived as racism in the institution and letters recounting alleged improper activities on the part of correction officers were often returned to them, even though addressed to approved correspondents such as their mothers.

The censorship of mail to and from Spanish speaking persons presented special problems. Due to the shortage of personnel who can read Spanish, such mail, according to inmate complaints, was often delayed for extended periods of time.

The department's reform resulted in the establishment of media review committees at the facility level and in Albany. A departmental media review committee established guidelines for facility media review committees. The departmental committee also developed a list of acceptable and unacceptable books, periodicals, and other reading material, to which new items are added regularly. At one time each facility made its own decision concerning what was and was not acceptable reading matter. By the time of the hearing, if a facility decided that a particular piece of reading matter was unacceptable, it had to forward its opinion to Albany for review. The departmental guidelines state:[4]

1. In general the materials should be acceptable for regular mailing in the United States.

2. The publication should not appeal predominantly to prurient, shameful or morbid interest in nudity, sex, excretion, sadism, or masochism, or go beyond the customary limits of candor in describing or representing such matters. (See Penal Law § 235.00).

3. The publication should not defame, villify or incite hatred towards persons because of their race, religion, creed, or national origin.

4. The publication should not advocate the violent overthrow of the existing form of government of the United States or of this State. (See Penal Law § 240.15).

5. The publication should not advocate lawlessness, violence, anarchy, or rebellion against governmental authority or portray such conduct as a commendable activity.

6. The publication should not incite hatred or disobedience towards law enforcement officers or prison personnel.

7. The publication should not depict the use or manufacture of firearms, explosives and other weapons.

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4. Albany, N.Y., State Dept. of Correctional Services, "Administrative Bulletin No. 2: Guidelines and Procedures Governing the Receipt of Literature and Related Materials by Inmates," as amended (Sept. 7, 1971) p. 2.

8. The publication should not be of such a nature as to depict, describe, or teach methods and procedures for the acquisition of certain physical manipulations and skills which expertise will, in the opinion of department authorities, constitute a threat to the safety, welfare, and health of other inmates and employees.

The department bulletin elaborates:

> There are, however, some inmates whose emotional instability and antisocial attitudes are such that the consumption of certain reading material may lead to individual behavior or behavior by groups of inmates which threaten the safety and security of the institution for both staff and other inmates, and which deter the operation of a therapeutic program.

At the Advisory Committee's informal hearings, officials of the department reported that, in practice, the guidelines had been liberalized since their promulgation. The acting chairman of the departmental media review committee said, for instance, that while the Village Voice had at one time been placed on the disapproved list because of an article which allegedly contained false information about the department, it was now on the approved list. The Advisory Committee asked whether the Village Voice had changed, and the official replied:

> I don't think as much as our own interpretations of the departmental guidelines have undergone some change. In other words, when we first started, our interpretation was much stricter, following a word-by-word interpretation. As time has gone on we have become a little broader in our interpretation. Therefore, it is less likely the Village Voice would be kept out today, or any issue of the Village Voice would be kept out today. (Vol. II, p. 159)

The official also told the Advisory Committee that the interpretation of some guidelines had been liberalized:

> Originally, anything referring to sex or that was expressed with unnecessary candor would be kept out. Now we limit it pretty much to masochism, sadism, unnecessary preoccupation with sex, things of this sort. (Vol. II, p. 161)

Inmate Assignments to Institutions

Since some institutions have far more to offer in terms of education, training, and work or study release programs, the assignment of inmates to prisons is of considerable importance to them.

Wallkill Correctional Facility, for instance, is often described as "the country club" and, according to several inmates interviewed, is among the preferred assignments. In 1972, Wallkill, about one-third black, had a relatively low percentage of minority inmates. However, there was a rather dramatic increase in black inmates between the date the Advisory Committee sent the data questionnaire to the facility and the date of the hearing. The Advisory Committee discussed this matter with Harold N. Butler, superintendent of the Wallkill facility:

> Mr. Butler: I happen to have an institution that has, perhaps, the smallest percentage of minorities.
>
> The Advisory Committee: Your questionnaire on August 31 (1972) showed a little more than one-third black. Three months later it is a little less than one-half black. I just wondered if there is any reason--
>
> Mr. Butler: There could be a reason, I'll explain in a minute...What has happened is that we have told the people...to select persons who have more time...
>
> The Advisory Committee: You're saying that's why you have a higher percentage of blacks there?

Mr. Butler: I'm saying this might be one of the reasons why the population has changed. There has been no deliberate attempt to change the makeup--

The Advisory Committee: Does this mean by implication that once you go to longer sentence that you're likely to get a higher percentage of blacks...?

Mr. Butler: I don't know... (Vol. III, p. 98, pp. 109-110)

Educational System

The Department of Correctional Services requires that all inmates who test below the fifth grade participate in compulsory, full-time educational programs at the prisons. Other inmates may participate in voluntary, part-time programs developed in the individual facilities. There is wide variety in the voluntary programs offered from one institution to another. However, in general, there are only a limited number of black studies programs, almost no programs for the Spanish speaking inmate, and very few college courses.

Study release programs, also very limited, are discussed in Chapter VII.

Inmate Work Assignments

In the 10 correctional facilities which responded to the Advisory Committee's September 1972 questionnaire, the inmate population was 29 percent white and 71 percent minority. Yet, among those assignments usually considered as "better jobs," white inmates were represented in greater numbers than their percentage of the population:

** In the commissary, whites occupied 45 percent of the 70 positions.

** In the library, whites occupied 38 percent of the 52 positions.

** In clerical positions, whites occupied 46 percent of the 241 positions.

** In dentist offices, whites occupied 46 percent of the 26 positions.

Only in the kitchen did the white percentage (26 percent) approximate its percentage of the inmate population. In the laundry, which is not considered a very desirable job, whites were underrepresented (16 percent of the positions).

Racism

The Advisory Committee found no evidence that the department segregates inmates on the basis of race or ethnic group. On the other hand, visits to facilities revealed a rather high degree of voluntary separation by inmates. This subject was discussed with Superintendent LaVallee, at whose facility (Clinton) extensive racial separation was observed:

> The Advisory Committee: What in your opinion, Mr. Superintendent, is the most serious problem that you have with respect to racial relations within your institution?
>
> Superintendent LaVallee: We have a large percentage of minority groups, and the fact that they tend to socialize among themselves, and the fact that one group will set itself up somewhat in opposition to another, in that they will not dovetail and associate in a complete way is a problem...
>
> The Advisory Committee: Do you include in that the self-segregation in the dining hall...?
>
> Superintendent LaVallee: That is part of it. In the yard, the same thing occurs to a great extent. (Vol. III, pp. 21-22)

This subject was also discussed with Deputy Commissioner Dunbar. He said:

> I believe that it is a major obligation, a major responsibility (to eliminate de facto segregation). It does exist. On the one hand the staff tolerates it; on the other hand some ethnic groups develop it or encourage it...
>
> I've had experience with cafeteria...self-segregation...It is true in the recreational areas as well. I don't think there ought to be black basketball teams versus white basketball teams. I think there ought to be good athletes against good athletes. (Vol. IV, pp. 350-351)

To some extent, the matter of self-segregation is part of the legacy of the past, the Advisory Committee found. Alfred Scott, a black former inmate at Auburn Correctional Facility, told of his experiences with racial segregation during the period 1970 and prior:

> One day I went over to the white section without knowing it was the white section and sat on a table. The guy told me that no niggers were allowed to sit here... (a fight ensued)
>
> Upon going to what is known as the institutional court, the man told me that this is an unwritten law in the institution, where you cannot sit...He said, 'You can sit where you want to sit, but you can't sit in the section they (white inmates) have.' So you get uptight. (Vol. IV, pp. 284-285)

Of approximately 50 letters received from inmates following Advisory Committee team visits to the various institutions, several included complaints of outright racism. However, many more criticized actions such as the State's failure to provide pork-free diets for Muslims as racist. Inmates pointed out that fish was served on Fridays out of respect for one religious group, but that the same respect was not shown for Muslim religious customs.

Inmate Complaints

In 1972, a new division, the department's inspector general service, was set up to investigate inmate complaints. The staff included the inspector general, three assistants and secretarial support. At the time of the informal hearing all staff members were white. Although the service had not been in operation long enough for a real evaluation, Deputy Executive Commissioner Dunbar talked about the new divison:

> Already I've examined what has flowed to them in the first 2 months of operation, and initially it involves a mixture of inmate allegations...(and) it involves some outside information or other information.
>
> ...We have developed an organization concept that he (the inspector general) should be independent (and) report directly to the Commissioner. In view of its sensitivity, it was a non-competitive position appointed by the Commissioner. (Vol. IV, pp. 321-324)

Advisory Committee Conclusions about the Department of Correctional Services

For the New York Department of Correctional Services, ancient and outmoded physical structures are not the only legacies of the past which hinder the execution of its responsibilities.

After a 2-year study of the department and its facilities, the Advisory Committee concludes that the system is replete with personnel whose thinking and concepts are as outmoded as the physical structures which warehouse the prisoners. Many of these employees occupy key policy positions. Many others come in constant contact with inmates.

During their visits to various institutions, Advisory Committee members were appalled by the apparent lack of sensitivity displayed by several superintendents, and by their failure to address contemporary problems. Some superintendents recalled to the Advisory Committee that they had

devoted more than 40 years of their lives to New York corrections service, and that they had worked their way up through the ranks.

Such devotion and perseverance is commendable, but it is lost--in the Advisory Committee's view--unless those officials stay in tune with the ever-changing needs and demands of society and its institutions.

The Advisory Committee found what it perceived as a strong resistance to change permeating the entire State penal structure. These attitudes were particularly evident at the institutional level.

Fiscal considerations are the major obstacle to the replacement of antiquated structures, but the civil service system is an equally formidable obstacle to the replacement of antiquated thinking. Obsolete ideas can be even more difficult to change than obsolete buildings.

The Advisory Committee is especially concerned about the department's failure to respond adequately to the needs of the racial and ethnic minorities who comprise approximately 70 percent of its inmate population.

The Advisory Committee finds that:

1. The Department of Correctional Services developed a number of praiseworthy policies and programs in its first year of operation. Particularly commendable are those changes which tend to make the system more humane and the beginnings made in developing more medium and minimum security and community-based programs.

2. The location of many correctional facilities in rural areas far removed from urban centers (particularly New York City) makes visits by family members and others costly and difficult; unnecessarily isolates the inmate from society; hinders the development of temporary release programs; and increases the difficulty of the inmate's eventual adjustment to a normal environment.

3. The age and physical condition of many correctional facilities result in unnecessarily harsh living conditions, limit opportunities for meaningful training, and create an atmosphere that is not conducive to rehabilitation.

4. The department has made more progress in developing new programs than it has in developing new personnel, especially at the institutional level. Increasing the requirements for superintendents and opening the examination nationwide are steps in the right direction, but they still do not solve the problems created by poorly qualified existing personnel and scarcity of minority representation among personnel.

5. While real improvements have been made in reducing the variations in policy from one institution to another that result largely from the differing views and attitudes of the superintendents, more needs to be done in this area. New, innovative programs can be thwarted or seriously weakened by the inefficiency, incompetence, and insensitivity demonstrated by some of the administrators.

6. The gulf between correction officer and inmate based on race, language, culture, and life style, when combined with the lack of adequate human relations training for correction officers, is a serious obstacle to development at the institutional level of the kind of environment in which rehabilitation can take place.

7. Compared to the recent past, the minority recruitment program for correction officers is highly commendable. Compared to what is needed in the correctional system, the program's goals and its scope are too limited.

8. The transfer list is a serious obstacle to the wise and efficient distribution of personnel.

9. Non-uniform employees at the institutional level (counselors, parole officers, teachers, classification officers, etc.) and the Albany staff, from file clerks to chief administrators, are largely white, While the inmates' direct contact with them is limited, these personnel are constantly making decisions which vitally affect the lives and futures of inmates. The input of blacks, Puerto Ricans, other minority groups, and women at all levels of that decision-making process is urgently needed.

10. The department has made strides in relaxing the censorship of mail and reading material, but it still feels the need to draw the line between acceptable and unacceptable reading matter. The Advisory Committee is opposed to any restriction on the thoughts of inmates.

11. The present system of requiring school only for those inmates who test below the fifth grade and the manner in which voluntary educational programs are operated at some institutions is unsatisfactory. There are no built-in incentives for inmates to further their education. The special educational needs of Spanish speaking inmates are not being met.

12. Work assignments are not made on an equal basis without respect to race or ethnic group, and existing racial and ethnic differentials tend to confirm the inmate's view of himself as a victim of a racially oppressive system.

13. The development of the inspector general service as a means of investigating inmates' complaints is commendable, but staffing the service with all white personnel in a system where minorities predominate is an indication that the department is not yet adequately sensitized to the racial and ethnic exigencies of the system.

14. Because the absence of clearly formulated and clearly communicated rules tends to leave inmates at the mercy of the personality and prejudices of individual correction officers, a systemwide inmate rule book for use in all facilities should be developed.

III - CLINTON CORRECTIONAL FACILITY

Clinton Penitentiary, as it was once known, is a maximum security facility housing nearly 1,600 prisoners. It is located in Dannemora, about 30 miles from the Canadian border and approximately 330 miles north of New York City. A member of the Advisory Committee's visiting team described it in the following terms:

> The prison itself is a hundred years old and looks like the stereotype of a penitentiary, with a high wall punctuated by armed guard houses. Security is tight. Most of the buildings are old and dingy...[5]

This location for Clinton was chosen because it was in close proximity to an extensive tract of land from which it was thought iron could easily be mined and the institution could become self-supporting through the mining and melting of iron. However, after the first buildings were constructed and the industries established, the planners learned that even with the mining operation, the institution would not be self-supporting.

The story of Clinton's origins offers some explanation for what at present appears to be a senseless location for one of New York State's largest correctional facilities. Though it was conceived as an economy measure, revenues from prison industries have never equaled the cost of running the prison. Because of problems of physical and psychological

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5. Advisory Committee Report, Visit to Clinton Correctional Facility, Feb. 27-28, 1972.

isolation, prisoners and their families, and, more indirectly, the general public have been paying for the unwise choice of location ever since the prison opened.

Its vast and insuperable wall encompasses some 42 acres. Painting and structural renovations are needed to improve the dismal physical environment in which men are supposed to be rehabilitated and prepared to return to society.

Cellblocks are arranged back to back in what is known as the island plan. Windows are located across the corridors in front of the cells, making it impossible for inmates to see outside. Each cell is furnished with a porcelain toilet, a porcelain sink, a bed, a chair, and a clothes locker.

Inmate Population and Staff

In January 1973, there were 1,593 inmates at Clinton, of whom 946 or 59.4 percent were black, 212 or 13.3 percent were of Spanish speaking background, and 433 or 27.2 percent were white. The total number had decreased over the previous 4 months by 260 men. As the following table indicates, the most significant change was that the percentage of inmates of Spanish speaking background more than doubled.

Table V

Inmate Population at Clinton by Race and Ethnicity
September 1972 and January 1973

	Black		Spanish Speaking Background		White		Total
	No.	Percent	No.	Percent	No.	Percent	
Sept. 1972	1,102	59.4%	116	6.4%	634	34.2%	1,854*
Jan. 1973	946	59.4%	212	13.3%	433	27.2%	1,593

*This figure includes two Native Americans.

Sources: Advisory Committee questionnaire, September 1972, and Weekly Report on Population, New York State Department of Correctional Services, Jan. 12, 1973.

Despite the fact that Clinton is 330 miles from New York City, 79 percent of the total inmate population came from the New York City area, as of September 1972. Less than 1 percent or 18 men were residents of the Rochester area. Roughly 1.5 percent of the total population--28 inmates--were from the Buffalo area, and less than 0.5 percent lived in the Syracuse area. Thirteen percent, 235 inmates, comprised the "Elsewhere New York State" classification. The remaining 91 inmates, about 6 percent of Clinton's population, were not residents of New York State.

In September 1972, Clinton staff consisted of 414 persons. Although the minority inmates made up 66 to 73 percent of the prison population, there were only three correction officers of Spanish speaking background and no other minority officers, according to Superintendent J. Edward LaVallee. (Vol. III, p. 8)

Advisory Committee members visiting the institution said that more inmates seemed to be supervised by fewer correction officers at Clinton than at other institutions visited. One member commented that inmates seemed to be treated "as cattle."

Among the civilian personnel--teachers, doctors, secretaries and other workers--there were no minority members. Although the large majority of inmates were from urban areas, none of the staff were from urban areas.

In 1972, staff participated in an inservice training program consisting of 20 hours of classes on unarmed defense, disturbance control, and conflict reduction, human relations, ethnic relations, and communication.

Educational Program

In September 1972, 294 inmates or 16 percent of the total population were involved in the prison's educational program, of whom 270 participated part time on a voluntary basis and 24 were required to attend school full time. Of the students required to attend school, 10 were black, 10 were white and the remaining 4 were of Spanish speaking background. At the

table below indicates, both the percentage and the actual number of these students attending school full time were significantly smaller at Clinton than at Auburn or Bedford Hills, the two other institutions where the educational programs were studied.

Table VI

Full-Time School Attendance by Inmates:
A Comparison of Three Institutions
(As of September 1972)

Facility	Total Inmate Population	Inmates in School All Day	Percentage of Inmates in School All Day
Auburn	1,512	404	26.7%
Clinton	1,854	24	1.3%
Bedford Hills	334	71	21.3%

Source: New York State Department of Correctional Services

Of the 270 inmates voluntarily involved in the education program, 165 or 61.1 percent were black, 69 or 25.6 percent were of Spanish speaking background, and 36 or 13.3 percent were white.

A total of 36 courses were taught, of which 28 were for grades 1 through 12. These included preparatory courses for high school equivalency and the Board of Regents examinations. No technical education courses or courses to develop specific marketable skills such as drafting and typesetting were offered. Only one college-level course--freshman English--was offered.

In addition, correspondence courses in accounting and engineering were being taken by inmates. Courses in music and in commercial art also were offered, and a volunteer service sponsored classes in journalism, drama, and remedial reading.

No black studies or Spanish studies were available.

Work Assignments

In September 1972, a total of 903 men or 48.7 percent of Clinton's 1,854 inmates had job assignments.

A racial and ethnic comparison of the facility's inmate population and inmate work force showed:

Table VII

Percentage Comparison of Inmate Population and Work Force at Clinton by Race and Ethnicity (As of September 1972)

	Black	Spanish Speaking Background	White
Inmate Population	59.4%	6.3%	34.2%
Inmate Work Force	60.1%	14.1%	25.8%

Source: New York State Department of Correctional Services

The Advisory Committee noted that prisoners of Spanish speaking background were assigned to the facility's work force in a proportion more than double their population at the institution: 14.1 percent vs. 6.3 percent.

Although white prisoners comprised a smaller percentage of Clinton's work force (25.8 percent) than their total percentage (34.2 percent) would indicate likely, they held a disproportionately high number of the prison's more desirable jobs. In the commissary, they constituted 43 percent of the work force; in the hospital, they were 37 percent; the dental office, 42 percent; and the library, 75 percent. A breakdown showed:

Table VIII

Inmates Holding Desirable Jobs at Clinton: A Percentage Comparison by Race and Ethnicity (As of September 1972)

	Black	Spanish Speaking Background	White
Commissary	43%	14%	43%
Dental Office	29%	29%	42%
Hospital	57%	6%	37%
Library	25%	---	75%

Source: New York State Department of Correctional Services

At the same time, blacks and inmates of Spanish speaking background held a disproportionately high number of the prison's less desirable jobs. Blacks held 62 percent of the industrial jobs and 67 percent of the jobs in the kitchen. Inmates of Spanish speaking background held 40 percent of the jobs in the laundry.

Table IX

Inmates Holding Undesirable Jobs at Clinton: A Percentage Comparison by Race and Ethnicity (As of September 1972)

	Black	Spanish Speaking Background	White
Industry	62%	14%	24%
Kitchen	67%	16%	17%
Laundry	42%	40%	18%

Source: New York State Department of Correctional Services

The less desirable jobs also paid less, and the less desirable assignments were reflected in the lower earnings of minority prisoners. While white workers earned an average of 47 cents a day, blacks averaged 40 cents a day and inmates of Spanish speaking background averaged 37 cents a day.

In response to an Advisory Committee member's request for an explanation of these disparities, Superintendent LaVallee stated:

> First off, I don't know that it is. I would have to look. Secondly, I will assume that it is true. Why? Perhaps availability. Perhaps the desire of the individual. Perhaps some other factor that might influence being employed or not employed. As far as thought being given to the person's race in making assignments, I don't believe that it exists. (Vol. III, p. 30)

At the time of the informal hearing, there were no inmates participating in work or study release programs.

Discipline

At the time of the Advisory Committee's team visit to Clinton Correctional Facility, there was no formal list of facility regulations governing inmates. Rules were posted on bulletin boards and read over the facility's radio system.

The administration at Clinton listed some 20 infractions for which inmates could be punished. By far the greatest number of infractions were found under the heading of "out of order." "Disobedience" ranked second and "out of place" was third. For some infractions, inmates were confined to segregation, or the special housing unit, for varying periods of time.

The Advisory Committee received more inmate letters complaining of physical and verbal abuse by correction officers at Clinton--at least seven--than from any other institution.

The State requires that the use-of-force form be filed with the department every time force is used by a correction officer. Although Superintendent J. Edward LaValle said that he "assumed" force had been used at the prison, he was unable to cite the number of instances and to account for the use-of-force forms. (Vol. III, pp. 45-46)

Superintendent LaValle described Clinton's segregation unit at the Advisory Committee's open meeting:

> The special housing unit is a special building, a separate building, having four sections containing 48 compartments. Each compartment consists of what we call a cell, which is larger than the normal cells; and behind it is a separate, what we call exercise yard, because even though it is a small area, it is open to the air, and the person, if he is real violent, might find himself confined in that rather than going to a common yard. (Vol. III, p. 16)

Theoretically, inmates may be confined to these cells for a maximum of 60 days at a time. However, the 60-day period may be renewed for an indefinite number of times. Fixtures in these cells include a metal toilet, a metal sink, and furniture that is standard in "normal" cells. According to Superintendent LaVallee's testimony, the porcelain fixtures were replaced by the metal ones after an incident in June 1970. However, some of the letters which members of the Advisory Committee received from inmates who were confined in Clinton's special housing unit complained that, aside from the sink and toilet, their cells were empty. In fact, one inmate stated that he was leaning against the wall in order to write the letter.

Advisory Committee Conclusions about Clinton Correctional Facility

1. The fact that only 24 inmates were involved in compulsory education programs suggests that the superintendent and his staff have failed to implement adequately existing department regulations in this area. The institution has failed dismally to develop an adequate educational program with a broad range of course offerings and educational levels and incentives for inmates.

2. Approximately 50 percent of the inmates were idle and had no work assignments; this made the lack of an adequate educational program, including black and Spanish studies, particularly disturbing.

3. The institution's staff had failed to develop work release and study release programs.

4. While the evidence is not conclusive, it would appear that there was racial discrimination in the assignment of inmates to work, with white inmates getting a disproportionate share of the desirable jobs.

5. Based on available information, it would appear that the system of discipline and the treatment of inmates confined to segregation were unnecessarily harsh, and departmental rules were not followed at all times. For instance, the superintendent had demonstrated a lack of willingness to carry out department directives regarding the use-of-force forms.

6. The facility's overall record, including the inadequacies of the education, work, and work and study release programs, and the handling of the discipline at the institution, indicate an unacceptable level of competence in its management.

7. The total absence of black correction officers indicates many weaknesses in the institution's employment system. This factor, combined with numerous written and verbal comments by inmates, suggests that inmate-guard relations were poor.

IV - AUBURN CORRECTIONAL FACILITY

Auburn is a maximum security correctional facility located in upstate New York between Ithica and Lake Ontario. Built in 1816 it was originally established there to be away from urban centers, family ties, and "corrupting influences." In the early 19th century, the "Auburn system" was a model of prison reform which stresses the isolation of inmates and work in shops. Auburn now serves as an overflow prison with men being sent from correctional facilities such as Attica and Ossining to alleviate pressures and problems stemming from overpopulation.

The Physical Plan

The facility is divided into a series of blocks which are 5 stories high. The cells are approximately 5 feet wide, 8 feet long, and 7 feet high. Each cell is occupied by an individual inmate. Members of the Advisory Committee who visited the facility reported that the structures appeared to be clean and were well lighted.

It is New York State's oldest existing prison, and many of Auburn's physical features are suggestive of the past. However, a new gymnasium and medical center-library present a contrast to the aged profile of the original Auburn buildings. These new facilities reflect a revised philosophy of correctional services that is still struggling for existence and acceptance among established, archaic methods and ideas.

At the time of the Advisory Committee's visit to Auburn in February 1972, and at the informal hearings, the new gymnasium and library had not yet been opened to the inmate population. In explaining the situation, Auburn Superintendent Robert J. Henderson told the Advisory Committee:

> We've been plagued with delays in getting orders. We have been waiting...We've been allocated staff. Hopefully as soon as the equipment arrives...we'll have our staff there, too...
>
> One thing that we found...We only had two exists, and...our own...fire marshall objected to the inadequacy of the fire escapes. We had a fire inspector from the city of Auburn come in and he made recommendations. We have an item in...our new budget to add two more exits. Actually right now we couldn't put the whole population up there because it would be a fire hazard...
>
> The equipment is on order and, of course, if you are familiar with the State contracting system, it takes a lot of red tape to get orders placed, bids put out, and things like this. So we are expecting, hoping to get in there as soon as possible...(Vol. III, pp. 71-73)

In 1971, the equipment for the new gymnasium was not ordered because of substantial budgetary cutbacks. After arrival of the staff and equipment, groups of inmates will have access to the gymnasium on a rotating basis until the necessary structural modifications are completed.

Some inmates interviewed, who were forced to play basketball or exercise in the sub-zero temperatures in the snow-covered yard in the shadow of the new structure, viewed the "foul-up" in opening the gym as a conspiracy against them. One inmate told an Advisory Committee member, "The new gym they claim is for us...I am sure that no inmate in this place has been inside it."[6]

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6. Advisory Committee Report, Visit to Auburn Correction Facility, Feb. 27-28, 1972.

Superintendent Henderson criticized Auburn's physical environment and, more generally, the requirements imposed in all maximum security correctional facilities. As noted above, many of the inmates of the State's correctional system are not great enough security risks to warrant the extensive precautions taken. At the informal hearing, Superintendent Henderson stated:

> I see a need for the modification of existing (physical plants) particularly maximum security plants so that they can be operated as being security units where...they can be subdivided into various sections, where we can have medium security where this would be feasible. This would allow graduated degrees of custody based on sentence, behavior, and degree of danger to society. I think this is a definite need. (Vol. III, p. 57)

Inmate Population

In September 1972, there were 1,512 inmates incarcerated at Auburn. In January 1973, there were 1,497 men at Auburn, indicating that the size of Auburn's inmate population had remained fairly constant.

In January 1973, 58 percent of the inmate population, or 865 persons, were black. Roughly 32 percent of the population, or 473 inmates, were white, and 153 inmates of Spanish speaking background comprised 10 percent of the inmate population. In the "other" category, there were 1 Asian American and 5 Native American inmates.

The following table compares the racial composition of Auburn's population in September 1972 with that of January 1973:

Table X

Inmate Population at Auburn by Race and Ethnicity
September 1972 and January 1973

	Black		Spanish Speaking Background		White		
	No.	Percent	No.	Percent	No.	Percent	Total
Sept. 1972	830	54.8%	164	10.8%	512	33.8%	1,512*
Jan. 1973	865	57.8%	153	10.2%	473	31.6%	1,497*

*These figures include 6 inmates in "other minority" category.
Sources: Advisory Committee questionnaire, September 1972, and Weekly Report on Population, New York State Department of Correctional Services, Jan. 12, 1973.

In 1972, 68 percent of the 1,512 inmate population were from the New York City area, 6 percent were from the Rochester area, 5 percent from Buffalo, and another 7 percent were from the Syracuse area. Eleven percent of the population comprised the "Elsewhere in New York State" category. The balance, 50 inmates, were not residents of the State.

In 1972, Auburn staff consisted of 533 persons, all from the Syracuse area. Only six of the total were black.

Three separate staff training programs were offered during the year. A total of 323 staff members participated in a 24-hour instructional program on human relations, conflict situations, and dynamics of human behavior. About 90 persons participated in a second program (offered in cooperation with Auburn Community College and Cornell University) on administration, human relations, conversational Spanish, and physical fitness. Finally, a third program offered by the New York State Department of Civil Service taught supervision, secretarial science, and human relations to 25 staff members.

Despite the training programs, inmate-staff relations were described as poor by many inmates. They complained they were not treated with dignity as individuals. They said that the upstate correction officers with whom they had daily contact had no understanding of their background, culture, or language, and consequently considered them as inferior. The following comments were made during interviews:

> There is a lot of harassment...These crackers keep the windows open in winter and we almost freeze in these cells, and they claim they do it because the black has to be ventilated.
>
> There is a lot of harassment of blacks in this prison. We see whites carrying jars of rice out of the mess hall, but if a black inmate tries to do so the guard asks him where is he going with that jar.
>
> The problem is that they treat you like a kid. You are not allowed to talk back to them and they don't let you be a man. They will do anything in their power to make you crawl.[7]

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7. Advisory Committee Report, Auburn, Feb. 27-28, 1972.

Education

Although the State requires correctional facilities to offer only seven high school and elementary courses, at the time of the hearing, the Auburn department of education offered 41 such courses. An additional seven college level courses were available.

In September 1972, 404 inmates, or 27 percent of the inmate population, were required to attend school full time. Of this total, 79 percent, or 320 men, were black. Thirteen percent of the student body, 50 inmates, were white. The remaining 8 percent, or 34 inmates were of Spanish speaking background. The large number of inmates assigned to school at Auburn is in sharp contrast to the situation at Clinton, where only 24 inmates, or 1.3 percent, attended school all day.

At the Advisory Committee's informal hearing, Superintendent Henderson testified that: "We have about 15 percent of our people...who have high school diplomas, which leaves 85 percent who do not." (Vol. III, p. 56) This means that 85 percent of the inmate population were probably in need of further education, but because they were able to pass the fifth grade level education test, they were not assigned to school on a full-time basis.

Superintendent Henderson expressed concern about trying to get inmates to participate in an educational program which has few tangible incentives:

> We have a large problem in motivating the men to take advantage of these programs. There again, if we could offer them something that they can see in the future, I believe that we could get a better response to these high school equivalency programs that we've got. (Vol. III, p. 56)

Superintendent Henderson indicated that he felt some reasonable and cautious pressure should be exerted on all inmates, particularly those who do not have high school diplomas. Like Bedford Hills' director of education, Superintendent Henderson felt that the department's policy concerning compulsory attendance was not adequate.

There were 179 inmates participating in the three basic high school level programs. A total of 65 inmates were enrolled in the high school equivalency program. Seventy-five percent of these students were black, 15 percent were white and 10 percent were of Spanish speaking background. Twenty-two inmates were registered for Spanish. Since the course is taught as a foreign language, only one Spanish speaking inmate was enrolled. There were 92 inmates in the high school English course, of whom 81 percent were black, 12 percent were white and 7 percent were of Spanish speaking background.

Other standard educational courses offered included reading development and English usage, which ran from grade level 6 to grade level 8. A total of 77 inmates were enrolled, of whom 60 percent were black, 17 percent were white, and 23 percent were of Spanish speaking background. No program was available to teach English to Spanish speaking inmates.

As well as this substantial precollege program, the Auburn department of education developed several college level courses for the 15 percent of the population possessing high school diplomas. Superintendent Henderson told the Advisory Committee:

> I see the need for expansion of educational programs, which...hopefully will be coming.. and, of course, this would involve college level work for those who have the capabilities and interest in these lines. I might say that we have, at the present time, seven college level courses that are being taught at Auburn in our evening class schools by volunteer graduate students from Cornell and Ithaca College. We have some professors also teaching and professors from the Auburn Community College coming in as volunteers, and this is extremely well received... (Vol. III, p. 85)

Superintendent Henderson described what he thought ought to be offered at Auburn:

> I think it imperative that we develop liaison with industry and labor to guide us in vocational industrial program development attuned to the

> opportunities that will be found in the areas that the majority of our inmates are going to be released to. We have two-thirds of our population coming from the metropolitan area, and, of course, we are quite remote from that area. Our contacts there are practically nil. We are attempting to develop some contacts. (Vol. III, pp. 54-55)

According to the superintendent, the purpose of such contacts in the metropolitan area would be to help inmates secure jobs and to develop new programs to prepare inmates for return to their homes and communities.

Superintendent Henderson testified that there was a need for more education programs and courses. He told the Advisory Committee that he feels responsible for the creation of as many job and training opportunities for inmates as possible so that when they are released, inmates will be able to sustain legitimate activities:

> I think that if a man has no option to legitimate activity, he is bound to revert to criminal methods. He doesn't have much choice, so we have to give him that choice. (Vol. III, p. 57)

In interviews with Advisory Committee members visiting Auburn, many inmates questioned the attitude of John N. Miskell, the director of education, toward minorities. Inmates were critical of his opposition to the use of inmate teachers, particularly in relevant courses on black history and culture. Auburn has a black studies course (taught by a black teacher) initiated by the director of education. Many inmates felt, however, that the subject matter was severely restricted and that the director of education was uncomfortable with the course.

Inmates of Spanish speaking background reported that they had been trying to get a more extensive course relating to their culture. The director of education promised such a course, but insisted, contrary to the wishes of many inmates, that instruction and materials be in English. A Puerto Rican member of the Advisory Committee's team criticized the education program for offering the fifth grade competency test as well as all other instruction only in English.

The Superintendent

Robert J. Henderson had been the superintendent of Auburn Correctional Facility for 19 months at the time of the Advisory Committee's informal hearing. Superintendent Henderson summarized his responsibilities:

> In reference to my responsibility to the inmate population, I feel that living conditions are probably the most important thing that I have focused on...This would be along the line of adequate food, clothing, medical attention, program opportunities, the absence of tension within the facility, cordial relations between the staff and inmates. In other words, the things that would develop these attitudes and overtures by the administration, by the staff, to develop better relations. Correspondence and visiting arrangements to ensure maintenance of contacts and relationships with families and friends, and individual and group expression of legitimate aspirations. (Vol. III, pp. 47-48)

Superintendent Henderson's list of responsibilities resembled that of other superintendents to some extent. However, none of the other superintenderts mentioned the facility's human environment, staff-inmate relations, staff training, visiting and correspondence arrangements, or the importance of inmate aspirations. He testified:

> Minority inmates, in my estimation, encounter difficulties by having a different cultural milieu or background from that of the facility.... Minority groups have needs to express their cultural identities. (Vol. III, p. 50)

Mr. Henderson initiated more extensive training to familiarize staff with minority attitudes and backgrounds. He said that he believed group counseling also should be used to improve staff-inmate relations.

In 1970, prior to Mr. Henderson's superintendency, there was a "rebellion" at Auburn which was the result of the institution's refusal to permit observance of Black Solidarity

Day. Since he assumed the superintendency, annual solidarity days have been observed twice without incident. Other steps have been taken in response to concerns of the minority inmate population. Of 21 meals offered each week, 19 are pork free to accommodate those inmates who are practicing Muslims. Inmates are permitted to wear mustaches and sideburns provided that they are no longer than a stipulated length. There are courses in black and Puerto Rican studies. Religious services conducted either by inmates or guest ministers are held for inmates who do not belong to western Christian churches.

Advisory Committee Conclusions about Auburn Correctional Facility

1. The superintendent has demonstrated a fuller understanding than most other prison officials of the major problems and issues confronting his institution, especially in relation to racial and ethnic minorities; to some extent, this understanding is reflected in the policies and procedures governing the facility.

2. The educational program at the institution is well developed, with a variety of course offerings at the elementary through college levels; attendance at both compulsory and voluntary programs is relatively high.

3. The development of a black studies program is commendable, but it needs to be greatly expanded in scope and in availability to the inmate population. The failure to develop a more extensive Hispanic studies program or offer instruction and instructional materials in Spanish is a major flaw in the otherwise praiseworthy educational program. Although Superintendent Henderson recognizes the importance of minority groups expressing their cultural identities, he has not implemented programs to the extent necessary, and the image of the white, middle class citizen is still held up as a model for the inmates.

4. The delay in the opening of the new gym and the failure to comply with fire regulations seem to be the result of less than careful planning. The failure to order equipment is an example of misplaced economy.

V - BEDFORD HILLS CORRECTIONAL FACILITY (WOMEN'S DIVISION)

With the closing of Albion Correctional Facility, Bedford Hills became the New York State Department of Correctional Services' only facility for women. It included a separate division for men, which was located across the road from the women's division. Unlike most of the State's correctional facilities, which are located in rural parts of upstate New York, Bedford Hills is only 40 miles from New York City. It is situated in prosperous, suburban Westchester County.

Another feature which distinguishes it from most of the other State correctional facilities is that Bedford Hills is a medium security institution. It is surrounded by a high chain-link fence topped with barbed wire, rather than the thick, high, and impenetrable walls characteristic of the State's maximum security compounds.

Inmate Population and Staff

In September 1972, a total of 334 women were incarcerated at Bedford Hills. About 61.9 percent, or 207 inmates, were black and 34.7 percent, or 116 were white. The remaining 3.2 percent included 10 women of Spanish speaking background and one Native American.

A total of 218 women, or 65 percent of the population of Bedford, resided in the New York City area; 26 inmates, or roughly 8 percent, came from the Buffalo area; 18 women, approximately 5 percent of the institution's population,

resided in the Syracuse area; and the remaining 59 women, or 18 percent, came from elsewhere in New York State. No female offenders incarcerated at Bedford lived outside the State.

Since Bedford is the only women's correctional facility in New York State, the age span of its inmates is wider than that at any of the men's institutions. (Coxsackie and Elmira house young male offenders, and facilities such as Auburn, Clinton, and Wallkill house adult male offenders.) The youngest inmate at Bedford is roughly 16 years old. Those under 18 are housed separately from adults.

In September 1972, a total of 326 persons made up Bedford's staff. About 35.6 percent or 116 were black, 64.1 percent or 209 were white, and only one was of Spanish speaking background. Similar to the inmate population, the large majority, or 301 persons, came from the New York City area. A breakdown of the staff by sex was not requested.

In 1972, staff training included a mandatory course entitled "Introduction to Department Goals and Communications" and 10 courses available on a voluntary basis including classes on inmate-employee relations, institution emergencies, ethnic relations, techniques in handling inmates, emergency first aid, and weapons familiarization. Between one and two hundred staff members participated in each of the voluntary courses during the year.

Education

In September 1972, 71 women were going to school on a full-time basis and 92 inmates were attending on a part-time basis. About 67 percent of the full-time students were black and the balance, 33 percent, were white. Seventy-nine percent of the part-time students were black, and 21 percent were white.

At the time of the Advisory Committee's visit to Bedford Hills in March 1972, high school equivalency, English, black studies, a basic bilingual program and two vocational courses were among those offered. IBM data processing and cosmetology were the only vocational courses available. At the Advisory Committee meeting, Katherine Randolph, director of

education, commented:

> Another area that is very weak is vocational training...at this time we only have beauty culture and data processing. (Vol. III, p. 133)

No Spanish studies or Spanish culture courses were offered. In September 1972, none of the 10 inmates of Spanish speaking background were enrolled in the basic bilingual program, which was described by Ms. Randolph as follows:

> In the bilingual studies, those ladies who are in school and feel as though they would like to continue their work toward their high school equivalency get extra help--from five o'clock to approximately 6:30. (Vol. III, p. 128)

A second educational program depended largely on the work of 16 student volunteers from Vassar College. Ms. Randolph expressed some concern for this in her testimony:

> Relying on volunteers from colleges, and not being able to afford transportation or...money to buy books with--this is a very unsure way of running an educational program. All we can do is appeal to those persons who have feeling for what we are trying to do. Hopefully, they will be able to have the interest, and they will continue with us through the summer. (Vol. III, p. 130)

She described the program:

> One thing we are able also to do is to give tutorial services to those who feel the need for this. Each Wednesday, we have 16 Vassar aides come....Two of them are doing independent study with a psychologist, and the other students are assigned between the male and female division as teacher aides, helping with students in the afternoon. (Vol. III, p. 130)

The Cooperative College of Westchester offered a course 3 evenings a week to prepare for the college proficiency examination. The college paid for the inmates' books

and the teachers' transportation. In the course, students took writing, basic mathematics, and group counseling. Ms. Randolph said that the writing course was coeducational, with inmates from both the men's and women's divisions attending. (Vol. III, p. 128)

For inmates who passed the college proficiency examination, the College of New Rochelle started two seminar courses to be taken for a full semester of college credit.

Work Assignments

In September 1972, a total of 135 women spent their days maintaining the institution or participating in work programs. Their work assignments included jobs in the facility's laundry and cafeteria, as well as keypunching and sewing--the facility's industry. In theory, all jobs gave inmates marketable skills. However, only sewing and keypunch actually were considered to provide vocational training. There were two types of sewing assignments--in the industry section, which makes clothing for outside institutions, and in the needle trade section, which makes clothes for inmates.

At the hearing, Superintendent Janice P. Warne said:

> To maintain the present programs, we feel that there is a need to update equipment used. Somehow, once a piece of equipment is placed in an institution, it is considered to be there forever. (Vol. III, p. 122)

Work Release and Study Release

In March 1972, at the time of the Advisory Committee's visit, only 17 inmates participated in the prison's work release program and only 5 in its study release program, well below its goal of 50 inmate participants. At the time of the hearing, the superintendent said that the number on work release had increased to 28.

A seven-person committee must unanimously approve each participant in a work or study release program. Then the superintendent may veto the committee's decision. As a result, few inmates were able to qualify for either program, and the institution fell well behind its 50-inmate goal.

Advisory Committee members were told by institution staff that the problem with work release was not finding jobs, but the cautious approach to these programs by the staff. Study release was operative with respect to college level courses only. High school courses, including practical high school programs not included in the institution's curriculum, were not offered in study release. (A fuller discussion of release programs is included in Section VII of this report.)

Discipline

Bedford Hills is run according to a large number of rules which govern many aspects of prison life. In interviews with the Advisory Committee teams visiting the prison, inmates complained of what they considered to be unnecessary rules, such as those prohibiting all physical contact, getting on the bed of another person (even if she is not occupying it), resting feet on tables, wearing slacks outdoors (even in cold weather), and wearing turtleneck sweaters.

The Superintendent

Janice P. Warne is Bedford Hills' superintendent. In April 1972, Elizabeth M. Lynch, who was then superintendent, went on sick leave. Her position was temporarily filled by Ms. Warne, who had been superintendent of Albion Correctional Facility for Women from 1968 to its closing in 1970. Following Superintendent Lynch's formal resignation, Ms. Warne was appointed as Bedford Hills' permanent superintendent.

Superintendent Warne described her responsibilities to the Advisory Committee:

> I always felt that it was my responsibility to supply humane treatment for the residents of the facility, in [such areas as] cleanliness, basic security, nutritional food, adequate clothing for the seasons.
>
> I've also felt very responsible for seeing that the residents have individualized programs during their stay in the institution. (Vol. IV, pp. 121-122)

Superintendent Warne was asked if there were special problems experienced by minority inmates. She replied:

> We discussed this question with some of my staff and I think with the exception of the bilingual problems with the Spanish speaking women that we haven't observed any particular problems of this kind. (Vol. III, p. 123)

The superintendent's view of the problems of minority inmates did not agree with the sentiments of a high level staff member (who asked to remain anonymous) who told Advisory Committee members:

> The racial problems which exist on the outside are magnified inside the gates of Bedford. [8]

The question of the competency of supervisory staff was raised at the informal hearing. The superintendent responded:

> Ms. Warne: The department now has a unit for personnel development. I review the staff, and if we have problems with the staff I discuss it with them, and we make reports, and we have brought charges against staff members.
>
> The Advisory Committee: I suppose it is hard to do anything about the problem of lack of competency...I assume... just from visiting, there are maybe 10 or 15 people who are really in positions with major responsibilities. Do you feel that there is anything you can do on that level if you feel somebody is not competent and not performing really well? Is there anything you can do to get them out of the institution and try to bring in really competent people?
>
> Ms. Warne: Preferably, I would rather not move them out of the institution. I would like to see if they can do the job they were hired for. They must have been qualified to be hired in the first place.

---

8. Advisory Committee Report, Visit to Bedford Hills Correctional Facility, Mar. 12-13, 1972.

The Advisory Committee: You really believe that? Is it enough to be qualified, to be hired as one out of three on the top civil service list?

Ms. Warne: No. If they have the qualifications, there is always the possibility of seeing if they could perform. Sometimes you can't do it, and that's when you're really stuck. But I think that most people would really like to do their best. (Vol. III, p. 140)

Superintendent Warne did indicate, however, that she felt the civil service system presented an obstacle to obtaining suitable staff for the facility. She said:

> I would also like to suggest that we screen staff more carefully prior to employment. We receive a list of names from civil service. We interview, and we have a choice of the top three applicants who wish to work for us. And it is very difficult with this few minutes of an interview, plus 6 months period of probation, to really determine if this person is really going to be the type of person we want in the institution. (Vol. III, p. 125)

Advisory Committee Conclusions about Bedford Hills Correctional Facility

1. Both the academic and vocational programs at the institution were inadequate to prepare inmates for useful occupations. The facility had failed to develop programs in non-sex-tracked fields and had failed to expand adequate study and work release programs. Volunteer programs such as that with Vassar were too limited.

2. Several members of the senior staff have not demonstrated to the Advisory Committee a satisfactory understanding of and sensitivity to issues confronting minority women. The superintendent's statements reflected too tolerant an attitude toward incompetent staff at the expense of the inmates.

VI - HEALTH AND MEDICAL CARE

Commissioner Oswald was asked by the Advisory Committee to indicate some of the major problem areas confronting the department. He responded:

> The whole area of medical care needs a great deal of change...The area of medical care is certainly and largely a critical one. (Vol. I, pp. 12-13)

This section of the report will present a summary of the medical care system at two institutions--Bedford Hills and Clinton--and the overall medical program of the Department of Correctional Services. The health services of the department were evaluated through visits to several institutions by an Advisory Committee team headed by Michael H. Alderman, MD, a member of the New York Advisory Committee and director of the division of community medicine, Cornell University School of Medicine. Discussions were held with inmates, nurses, and physicians; hospital and treatment facilities were visited; and patient records were reviewed. In addition, Dr. James P. Bradley, who was then the medical director of Prison Health Services, was interviewed at the Clinton Correctional Facility and testified at the Advisory Committee's open meeting in November 1972. Dr. Bradley resigned in June 1973. He was replaced by Dr. Ian T. Louden, formerly assistant commissioner of the State Department of Health.

The Medical Care System at Bedford Hills

Observations in this section are based on the report of Advisory Committee member Dr. Michael H. Alderman following his visit to Bedford Hills Correctional Facility in April 1972.

The Cellblock: A nurse holds a prebreakfast sick call session in each cellblock from approximately 7 to 8 every morning. Any inmate may attend this sick call upon request to her correction officer. Non-prescription drugs such as Coricidin, milk of magnesia and antihistamines are given out, along with medication previously ordered by a doctor. Prescribed drugs must be taken in front of the nurse to prevent the inmates from hoarding the drugs. Inmates are referred to a doctor upon request.

The Clinic: Although serious medical cases are referred to neighboring hospitals, routine medical problems are handled in the facility's clinic. The clinic building, built in 1931, is attractive, well lighted, and clean.

All inmates entering the facility receive a thorough physical examination during a 2-week isolation period. According to the supervising physician, the examination includes a heart and lung examination, chest x-ray, a complete blood test, urinalysis, Pap test, and tests for venereal diseases.

A number of charts were reviewed by the Advisory Committee team. One chart revealed a patient with nephrotic syndrome. Her record included laboratory confirmation of the problem, but it failed to indicate evidence of proper therapy. Records written by the nurses were rarely signed; those written by doctors, many of which were illegible, were generally signed.

Inmates interviewed by the Advisory Committee team had numerous complaints about the medical facilities and services. Some complained about the sick wing cells, which they said were stark and lacked toilet facilities. Others said that they were often told, "There's nothing wrong with you," and, "It's all in your head." They said that one medication, which they presumed to be aspirin, was given for practically all ailments. Others said that they would have to wait as long

as a week to see a physician. Others complained that one of the doctors who was not a gynecologist performed unnecessary gynecological examinations.

Many complained about the 2-week quarantine upon entering. Despite the staff's insistence that the quarantine is necessary to complete the tests, the inmates described the quarantine as indistinguishable from segregation lock-up designed to "give them a taste of what is in store for them" if they do not behave.

At the hearing, the Advisory Committee asked Dr. Bradley about the quarantine:

> Dr. Bradley: When you are talking about the women's prison down there, that is a little different situation. With a man, usually you can find out whether they have a venereal disease almost immediately. With a woman, it may take a little time.
>
> The Advisory Committee: What do you think is a proper procedure of intake isolation?
>
> Dr. Bradley: Well, you know how long it takes for the laboratory...it probably takes at least 3 or 4 days, maybe even a week...
>
> The Advisory Committee: What about total isolation? Why would that require total isolation? Why would that mean that women couldn't be allowed out of their cells to eat together and read in some common room?
>
> Dr. Bradley: Well, would you want to go out with somebody that could possibly give you something they have? (Vol. I, p. 138)

Superintendent Warne, who was also asked about the policy, had a slightly different answer:

> The Advisory Committee: In your changing of policy, are you changing the policy on keeping women isolated?
>
> Ms. Warne: That is something I wanted to change the minute I walked in. It takes a little talking. I would say overnight or 2 days, just so they have access to the medical department to facilitate the physical. (Vol. III, p. 145)

Psychological Services: At the time of the hearing, one full-time psychologist was responsible for about 700 inmates at the women's Bedford Hills facility and the men's facility located in the same area. Three years earlier, there had been two psychiatrists and another psychologist on the staff. The psychologist working at the time of the Advisory Committee visit said that the staffing was inadequate.

The Medical Care System at Clinton

The observations in this section are based on the report of Dr. Alderman's visit to the Clinton Correctional Facility in June 1972.

Sick Call: The sick call system begins at 6:30 a.m. when a prison guard visits each cellblock to ask inmates if they wish to see a doctor. About 75 to 100 inmates who ask for the consultation see the physician each day in the hospital between 8:30 and 10:30 a.m. Medication is dispensed by a pharmacist, who, at the time of the hearing, was in the process of developing a formulary for the entire prison system. At that time, only one of three physicians spoke Spanish.

Hospital: The hospital building is old and dilapidated with facilities for about 200 patients and separate sections for patients with tuberculosis or diabetes. At the time of the Advisory Committee's visit, only about 40 beds were being used. The patients had a variety of diseases, including peptic ulcers, bleeding esophageal varices, and low-back pains.

Nurses' records examined by the Advisory Committee were generally well kept. Physicians' records were short and often unsigned. They rarely contained diagnostic or therapeutic plans.

At that time, a group of 12 to 13 inmate nurses, who had been trained on the job by the institution physicians and registered nurses, worked in the hospital.

Inmates interviewed shared the following complaints: that the level of medical care was poor; that all but one of the physicians were unsympathetic; and that it was difficult to see the physician if the request was made after 6:30 a.m. and even harder to see him if an inmate became ill in the exercise yard. Patients in the hospital said that the physicians and nurses failed to communicate with them about their problems, treatment, or prognosis.

Psychiatric Services: Although the prison offers no on-going psychological or psychiatric care to inmates, a part-time psychiatrist is available to perform diagnostic evaluations on inmates who have become disciplinary problems. These patients are generally either transferred to the Dannemora State Psychiatric Hospital or returned to their cells.

In addition, there are six psychologist "counselors," who are attached to the administrative department. Their responsibility is to evaluate each inmate upon arrival in terms of his social, psychological, and criminal background. This comprehensive psychological analysis is not used to guide the staff in planning an inmate's prison program. Employment opportunities, for instance, are not tailored to the needs or aspirations of each man, the prison staff said.

Administration of the Correctional Health System: Dr. James P. Bradley, the doctor who served as medical director at the time of the Advisory Committee's study, was a retired general surgeon with no training or experience in the fields of public health, community medicine or administration. The director had no staff. No standards of medical practice had been developed for the institutions. Practices such as the medical audit had not been established.

The department lacked a consistent, comprehensive reporting system. When asked about annual reports, Dr. Bradley answered:

> Dr. Bradley: Yes, every year there is an annual report from each institution. This is not in great detail. It's primarily a record in a few pages, the number of operations done, the number of laboratory procedures, the number of illnesses, the different ones, not in great extensive detail...
>
> The Advisory Committee: Could we get a copy of those reports for the last few years?
>
> Dr. Bradley: I don't know, because I haven't been able to find all of them myself. I was looking for them, and in the process of us moving 3 times in a year down at Albany, they're in a box some place. If I can find the box I will send them to you. (Vol. I, p. 117)

The medical director appeared to be unfamiliar with some serious medical problems within the institutions:

The Advisory Committee: ...The problem of the asthmatic... I went to Bedford Hills Facility and was told about a young woman who died there (of asthma)...a young man by the name of Kimberly Forman...died in another facility of an asthmatic attack, at least one or two other cases in the last few months. I began to wonder, is there a special problem with the asthmatic in prison?

Dr. Bradley: Well, I could primarily answer that question...in the fact for hundreds of years people have been dying of asthma, and they will continue to die of asthma under the best of circumstances...if there is a person with asthma they are looked upon as a little bit special from the rest...

The Advisory Committee: Are you familiar, sir, with the cases that I referred to?

Dr. Bradley: No, I'm not acquained with all of these cases.

The Advisory Committee: Are you acquainted with any of them, even one, for example?

Dr. Bradley: You talked about one from Bedford I believe. I don't think that I -- no.

The Advisory Committee: What about the one from Elmira... Do you know anything at all about him?

Dr. Bradley: I don't have my records with me. I could have been acquainted with him. (Vol. I, pp. 95-97)

When Dr. Bradley was questioned more closely at a later point regarding deaths due to asthma, the following exchange occurred:

The Advisory Committee: ...I think we agree that an asthmatic who receives appropriate therapy is not going to die from this asthma. The problem may be getting the patient to the appropriate therapists.

Dr. Bradley: Well, if anybody has any trouble in the cell they are seen down in the cell, or they are brought to the hospital. If they are out in the yard, they are brought to the hospital.

The Advisory Committee: Who makes this decision about whether or not they're seen or brought to the hospital?

Dr. Bradley: Well, of necessity wherever they happen to be. If they are in the cellblock, the officer would make the decision.

The Advisory Committee: Is he obligated to contact the medical person?

Dr. Bradley: Oh, yes.

The Advisory Committee: Many patients told me that's not the case, and I had no way of checking. They said that they can't get beyond the guard, unless they made their complaint known at the early morning call.

Dr. Bradley: I can't agree with that as completely true. It may be true in part. I'm not trying to protect the guards or anybody else. But you know there are certain people who would like to have things all the time. I would say this, over the period of 5 years that I've been connected with corrections, I never ran on to any details like that, and the few of them, like I didn't investigate those deaths that were mentioned. I may have been aware of them, but I don't recall the one at Elmira, and I don't recall the one at the other place. If there is any question of doubt as to what goes on, I make a personal investigation myself and give the Commissioner a report on the thing... (emphasis added) (Vol. I, pp. 121-122)

He added that a new law had recently been passed in New York requiring full investigation and documentation of all deaths, and said he "welcomed it." (Vol. I, p. 122)

Psychiatric Services: Psychological and psychiatric services are provided to the Department of Correctional Services by the Department of Mental Hygiene.

Although the director of medical services can request such services, he cannot ensure that they will provided. Dr. John Wright, assistant commissioner of the Department of Mental Hygiene, told the Advisory Committee:

I can certainly say that these services (to correctional institutions) are not as good as I would like them to be. There are several

> reasons why this is so...Recruitment is extremely difficult...Secondly, when you have got people, an awful lot of their time is taken up by mandatory legal and regulatory tasks that stop them actually from providing therapy.
>
> ...For example, somebody may be mentally ill in a prison, but if he doesn't cause any problems, then does he get into the hands of psychiatrist to get treatment? And, of course, the next question is, can he be given treatment that he needs anyway? (Vol. IV, pp. 213-214)

Although many inmates were described as having emotional, social, and psychological problems, procedures to solve these problems appeared to be inadequate. They were not integrated into individual institutional medical programs.

Despite recent studies indicating that drug abuse is a major factor in recidivism, and prison staff estimates that more than 60 percent of the inmates have had some experience with hard drugs, not a single prison in the State system sponsored a drug rehabilitation program at the time of the hearing. The Advisory Committee asked Dr. Bradley for his views on addiction programs:

> The Advisory Committee: Are there programs currently available for rehabilitation of former heroin addicts?
>
> Dr. Bradley: No, we have none whatsoever.
>
> The Advisory Committee: Do you view this as a problem?
>
> Dr. Bradley: For the institution, no because by the time a facility gets a heroin addict he is pretty well wrung out. (Vol. I, p. 124)

Others testifying at the hearing did not agree with Dr. Bradley. Edward Kirkland, chairman of the Brotherhood of New York State Correction Officers, an organization of black and Spanish speaking correction officers, told the Advisory Committee:

> Now just because he comes to jail doesn't necessarily mean that mentally he's not a dope addict. But we say that unless he finds out, and can see himself through others, he'll remain a dope addict...And it's a proven fact that over 65 percent of the people incarcerated in the first place have some type of drug-related crime. (Vol. II, p. 207)

Another member of the Brotherhood, Squire Simpson, lamented the valuable time which is lost without a treatment program:

> ...and this is one of the things that strike you as being a grave injustice, when you have a man this many years and nothing has been done, and nothing is designed to help him out. He's actually there waiting. He's willing to deal because he knows that he's been in this crime world. His mother is against him; his wife is against him; and we have him for 5 years and nothing can be done. (Vol. II, p. 211)

Experiments on Inmates: At the time of the hearing, medical experiments were conducted using inmate volunteers from the prison system. All such projects were required to originate within a medical center, to be reviewed by the State Health Department and Dr. Bradley, and be approved by the State Commissioner of Correctional Services. There were no written guidelines for such experiments. According to Dr. Bradley, a variety of studies had been undertaken in recent years.

The practice was discontinued in the summer of 1973 when Dr. Louden replaced Dr. Bradley.

Central Hospital: At the time of the hearing, prison officials were exploring the possibility of establishing a new central prison hospital for the entire system. The proposal, criticized by the Advisory Committee, was dropped when Dr. Louden replaced Dr. Bradley.

Advisory Committee Conclusions about Health and Medical Care

1. The medical care system is woefully inadequate and Dr. Bradley, the former Director of Prison Health Services, demonstrated an unacceptable level of competence.

2. The procedures for referring inmates to nurses and physicians in the institutions reviewed were unsatisfactory.

3. Record keeping, the basis upon which medical care standards can be maintained, was unsuitable on an institutional and statewide basis and no system of medical audit had been established. The failure to develop standards of medical care, as in the case of asthmatic prisoners, may result in a threat to the well-being and even lives of the inmates.

4. A most pressing and serious deficiency within the system was the almost total insensitivity to the psychological and emotional needs of inmates.

5. The training and use of inmates in health service occupations was a promising and commendable feature of the health system.

Bedford Hills Health Services

6. The policy at Bedford Hills of requiring new inmates to be quarantined and totally segregated from the rest of the population for a period of 2 weeks deserves condemnation; it cannot be justified on medical or other grounds.

7. The use of segregation-type cells without toilet facilities in itself may be unconstitutional, and its use for the confinement of sick inmates is indefensible and inhumane.

VII - TEMPORARY RELEASE

Temporary release, including release for work, training, education, and volunteer work, is authorized under Article 26 of the Correction Law.[9] The Department of Correctional Services "Policies and Procedures Governing the Work Release Program" are set forth in Administrative Bulletin No. 12, Amended, promulgated June 22, 1972.

Administrative Bulletin No. 12 states that consistent with the goal of public protection, the following are the primary objectives of work release:

> ...to provide selected inmates with the opportunity to benefit from the range of education, training, employment, or volunteer work resources in the community and to provide opportunity for these inmates to demonstrate or develop acceptable behavior patterns as preparation for their future reentry into the community.[10]

Programs may be operated only at those facilities which have been designated by the Commissioner of Correctional Services. At such institutions, a temporary release

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9. Art. 26, Chap. 472, N.Y. Correction Law (1969).

10. Albany, N.Y., State Dept. of Correctional Services, "Administrative Bulletin No. 12" (June 22, 1972).

committee, composed of three staff members, is appointed by the superintendent. This committee is responsible for: (1) communicating program requirements and procedures to the inmate population; (2) selecting inmates for the program; (3) reporting to the director of community placement (Albany) the action taken with each inmate applicant; (4) notifying each inmate applicant of its decisions; (5) supervising support clerical staff; and (6) maintaining records of inmate progress, earnings, and expenditures. In order to be an "eligible inmate," an applicant for the program must be eligible, or become eligible within 1 year for release on parole.

Eleanor Holmes Norton, chairwoman of the New York City Commission on Human Rights, reported to the Advisory Committee on 4 days of public hearings held by the commission in May 1972, on the employment problems of ex-offenders. She described of the value of work release programs:

> Programs of work release are clearly preferable to in-prison work because they provide both relevant work experience and the opportunity to earn a decent wage. Work release has the additional values of an actual work situation with on-site training and exposure to specific skills, as well as accepted work behavior. Moreover, such programs establish links between institutional life and life in the community. Perhaps most important, work release gives employers a financial incentive to consider hiring ex-offenders and the opportunity to evaluate inmates as prospective employees... (Vol. I, p. 106)

Commissioner Norton told the Advisory Committee that New York State had been "appallingly slow in implementing the work release law enacted in 1968." She said that witnesses told her commission that New Jersey, without specific funding for such a program, had developed "work release for some 1,300 inmates in the past 3 years." (Vol. I, p. 107)

One of the most striking characteristics of New York State's work release program is the limited extent to which it is being used. Leonard R. Witt, the Department of Correctional Services official in charge of work release, provided the Advisory Committee with data showing that as of November 1972, a total of 146 inmates were participating in work release programs. He added that since the initiation of the programs in January 1970, a total of 269 inmates had been involved. Moreover, certain institutions had initiated no work release programs whatsoever. He explained that

department regulations require that programs be developed at various institutions only as the department determines they have "become feasible" and designates the institutions for such programs.

Mr. Witt, in commenting on the slow progress of work release programs, told the Advisory Committee:

> The work release program is really designed for a very healthy, a very strong economy, and that was not the case in 1970. In spite of that, we've been doing some good things, although I think it could be argued that we tend to be over-cautious.
>
> Another factor is almost all the institutions are located in very out of the way or remote regions of our State. Transportation is a fantastic problem, getting vehicles to take people to their jobs, getting drivers for the vehicles. So these are some of the reasons why we haven't expanded as rapidly as we would have liked. Also during that period, we had a fiscal crisis where we couldn't fill positions. (Vol. II, p. 171)

Advisory Committee members who visited Bedford Hills and Clinton reported that the "over-cautious" approach referred to by Mr. Witt appeared to be the most serious obstacle to expanded work release programs. Commissioner Norton, in reporting on her commission's consideration of work release, stated:

> Another reason given for limited application of work release is the rural location of State institutions. But witnesses also countered this with the observation that only one or two State institutions were beyond commuting distance of urban centers with available jobs. (Vol. I, p. 107)

At the time of the Advisory Committee's visit, Bedford Hills had only 15 to 17 inmates on work release, and only 5 on study release. Advisory Committee members were told by a member of the institution's administrative staff that the problems did not lie in any difficulty in finding appropriate jobs, but rather in the overly-cautious administration of the program.[11] Each applicant for the program

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11. Advisory Committee Report, Bedford Hills, Mar. 12-13, 1972.

had to receive the unanimous approval of a seven-person committee, and this approval, in turn, was subject to veto by the superintendent. Apparently, at no time had consideration been given to the use of study release on the high school level, despite the conceded inadequacy of the institution's educational programs on that level.

At the time of the Advisory Committee's visit, Clinton's work release program was not in operation.

At the hearing, Superintendent LaVallee said:

> The Advisory Committee: Do you have a work release program?
>
> Mr. LaVallee: Yes, we have one.
>
> The Advisory Committee: How many people are on it?
>
> Mr. LaVallee: Right now?
>
> The Advisory Committee; Yes.
>
> Mr. LaVallee: None
>
> The Advisory Committee: Why is that?
>
> Mr. LaVallee: The economic condition in this area is very bad. Now, we had about, oh a couple of months ago, we had two men out for a few days on a work release program. This was within the department almost. We did a job for Attica at Plattsburg State University.. (Vol. III pp. 39-40).

At the November 1972 open meeting, Mr. Witt provided the Advisory Committee with an ethnic and racial breakdown of inmates involved in work release at the four institutions where the program was in effect at that time. This is presented and compared with ethnic and racial percentages of the general inmate population at each of those institutions in Table XI on the following page.

Table XI

Inmate Participation in Work Release:
A Comparison by Race and Ethnicity (As of November 1972)

Institution, Inmate Population & Ethnic Group	Work Release Program Participants	Percent	Percent in General Inmate Population
Auburn (1,488)			
Black	11	57.9%	55.2%
Puerto Rican	2	10.5%	10.3%
Other Minority	0	-----	0.3%
White	6	31.6%	34.2%
Total	19		
Bedford Hills (331)			
Black	23	51.1%	64.6%
Puerto Rican	4	8.9%	8.8%
Other Minority	0	-----	0.3%
White	18	40.0%	26.3%
Total	45		
Elmira (1,155)			
Black	38	71.7%	69.9%
Puerto Rican	7	13.2%	17.7%
Other Minority	0	-----	0.2%
White	8	15.1%	12.2%
Total	53		
Green Haven (1,846)			
Black	15	51.7%	64.1%
Puerto Rican	8	27.6%	10.7%
Other Minority	0	-----	0.1%
White	6	20.7%	25.1%
Total	29		
Total - All Four Institutions (4,820)			
Black	87	59.6%	56.7%
Puerto Rican	21	14.4%	14.2%
Other Minority	0	-----	0.3%
White	38	26.0%	28.8%
Total	146		

Source: New York State Department of Correctional Services

Advisory Committee Conclusions
about Temporary Release

1. The Department of Correctional Services and individual institutions were over-cautious and slow in developing and expanding programs for work, study, and volunteer release.

2. Study release programs did not include sufficient high school level courses, vocational and trade school programs, or other manpower training programs.

VIII - THE PAROLE SYSTEM

The Board of Parole and the Division of Parole and Community Services

The Board of Parole, which is separate from the Department of Correctional Services, consists of 12 members, including the chairman. All are appointed by the Governor. The board decides when and if an inmate is entitled to parole and whether a parolee should ultimately be returned to prison as a result of a violation.

A Deputy Commissioner of Parole and Community Services within the Department of Correctional Services answers to the Commissioner of Correctional Services. He supervises the rest of the parole services, including those provided by institutional parole officers and community services involving a large number of field parole officers. The latter supervise parolees from nine area offices located throughout the State.

In the course of the informal hearings conducted by the New York Advisory Committee, the Department of Correctional Services and the Board of Parole were asked to submit specific information and statistics. These included the qualifications and ethnic breakdown of Parole Board members; an ethnic breakdown of inmates released on parole and the length of time served in prison before parole; and numbers and ethnic breakdown of parole revocations and hearings, and results of those hearings. None of the information was submitted even after repeated requests.

Therefore, the information substantiating this section of the report is based on data gathered in personal interviews with inmates, institutional parole officers, and Paul Regan, chairman of the Board of Parole. Additional data was obtained from review of information gathered by the New York State Special Commission on Attica, chaired by Robert M. McKay, Dean of New York University School of Law, and the Citizens Inquiry on Parole and Justice. The latter group is studying the parole system of New York State in depth. The information in this report which was obtained from the Citizens Inquiry on Parole and Justice consists primarily of reports and statistics issued by the Department of Correctional Services itself.

The Parole Process

The 12 members of the Parole Board decide whether or not to grant parole to an inmate. In practice, these 12 persons--not the sentencing judge--most often determine the inmate's length of incarceration. Since a 1967 revision in New York penal law, most sentences for felonies are indeterminate, but they carry a 1-year minimum. The sentencing judge sets the maximum sentence in all cases except murder and kidnapping, but may leave it to the Parole Board to establish the date of parole eligibility.

According to the 1971 McKay Commission Report,[12] the Parole Board acts favorably in a majority of cases. The Department of Correctional Services reported that 54 percent of the inmates who come before the board are released on their first appearance. It also pointed out that two-thirds of those released are not returned to prison within a 5-year period.

The report added that no member of the Parole Board was under 59 years of age, two members were black, and one was Puerto Rican.

At the time of the Advisory Committee's open meeting, the racial makeup of the board had not changed.

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12. State of New York, Attica: Official Report of the New York State Special Commission on Attica (N.Y., Bantam Books, 1972), p. 98. (Hereafter cited as Attica.)

Three members of the board visit each prison once every month. During their visits they hold hearings to determine parole eligibility dates for each inmate. Hearings are also held to determine whether inmates who have reached their parole eligibility dates are to be granted parole.

When an inmate meets with the board for the first time, after 10 months of incarceration, the board holds a cursory hearing and informs the inmate what his or her minimum period of incarceration will be. After that minimum period of time has been served, the inmate is eligible for parole and is called before a three-member board for a hearing to determine whether and when he or she will be released.

According to statute, the test for granting parole is whether in the opinion of the board the inmate "will live and remain at liberty without violating the law and that his release is not incompatible with the welfare of society." In addition, the law requires that the Parole Board consider the inmate's past criminal record, how the inmate has responded in the institution to efforts to improve his or her mental condition, the inmate's attitude toward society, and the crime committed. The granting of parole often depends on factors beyond the inmate's control once in prison: prior criminal record, the crime committed, and opportunities for employment upon release. Parole Board decisions cannot be appealed.

Paul Regan, chairman of the Parole Board, was questioned at the open meeting:

> The Advisory Committee: Do you have any set standards or criteria (for granting parole)?
>
> Mr. Regan: We do not as such, no.
>
> The Advisory Committee: Would it be reasonable? For instance, has somebody helped themselves in terms of training? Have they reacted well to prison? Have they had good reports? Do they have some place to live when they get out? Do they have some hopes for jobs?
>
> Mr. Regan: These are strongly considered. If you call it criteria, that's all right.

The Advisory Committee: Would you think it unreasonable...to have these criteria set down on paper...so that when he (the inmate) is trying to get parole, he will know what is expected... and what the Parole Board wants?

Mr. Regan: No, not at all.

The Advisory Committee: Would you be instrumental in writing the criteria?

Mr. Regan: I would. Yes. (Vol. IV, pp. 171-172)

The McKay Commission Report described the parole hearing and the devastating effect of the seeming arbitrariness of the decisions on individual inmates and institutional life generally. It states:

> The inmate may have waited years for this day. He knows that he can be granted parole or be held for another hearing, which may be as long as 2 years away. But there is no formalized effort by the parole officer to prepare the inmate for the hearing, other than to tell him to be sincere and not to insist on his innocence.
>
> The average time of the hearing, including the time for reading the inmate's file and deliberation among the three commissioners present, is 5.9 minutes. The parole folder may have as many as 150 pages of reports on the inmate which he has never seen. Two of the commissioners often read the files of the inmates next in line while an inmate is questioned by a third commissioner. Thus, the inmate, after years of anticipation, is left with the impression that nobody was or is really interested in his case or gives it due consideration. The questions are often superficial: 'Do you feel you have the capabilities of functioning on the outside as a cook?' If the questions delve more deeply, they often concentrate on the inmate's past crime, rather than on his present condition or plans for the future. No one who worked with the inmate in prison is heard by the board.

> The panel reaches a decision immediately after the conclusion of the hearing. The two commissioners who have been reading other inmates' files generally acquiesce in the recommendation of the commissioner who has read the file and questioned the inmate under consideration. The legal requirement that all three commissioners participate in the decision is satisfied only in the most perfunctory way.
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> The inmate is not advised of the board's decision until after it has left the institution. No explanation is given. He is simply told whether he made it or not.[13]

At the Advisory Committee meeting, Parole Board Chairman Regan insisted that the McKay Commission Report had maligned the board. He said that the McKay Commission's citation of 5.9 minutes as the average time for deliberation over the inmate's fate was unfair and untrue. He stated that each file was studied for as long as necessary. He added that there was really no need for a procedure whereby the inmate receives an explanation of the board's action:

> I don't think this is really a valid complaint because I think they know. In fact, I know they know as far as I'm concerned, when they walk out, whether they're going to be paroled or not, and for what reason... (Vol. IV, p. 196)

Alfred Scott, a former inmate of Auburn Correctional Facility who is a member of the Attica Survivors Committee, described his experience with the Parole Board:

> When I first came in contact with the Parole Board in 1968, after serving 5 years of my sentence--which I had 7 1/2 to 15--at this time I had minor infractions for little differences I had. I didn't have any major infractions. They gave me 2 years, which is called a 'hit.' In other words, I have 2 more years...

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13. Attica, p. 96.

Now at this particular time (in 1968)... I said,'Why?... I could tell by the way you all are talking, I'm not going home. Now if it's something I'm doing wrong, maybe you all could tell me. If I don't have enough schooling, if you all want me to get a trade, what do you want a man to do so he can get free?' They said, 'You'll see it on a piece of paper. We can't say no more about it. We'll see you next time.'

The next time was December 1970, which was right after the Auburn rebellion. At this time I went to what was known as a prerelease class, where you see the parole officer in the institution, and he tells me that, 'You have a 90 percent chance of going home this time.'...

At the time of the rebellion... I was not charged with participating in the rebellion... They came and got me anyway and took me to the box, you know, segregation, punitive segregation.

I went to the Parole Board from there. ...They came and got me in the cell, which I was naked in the cell on the floor, they gave me a sweat shirt and a old dirty pair of shoes and told me to get dressed, I'm going to the Parole Board. And I know that basically when you go to the Parole Board you put on a white shirt or something, try to look presentable. Not that it means anything.

Now I come upstairs to the parole room... Before I went in the sergeant... said, 'Wait a minute, you wait here.' And the door was half open. I heard the sergeant ... say, 'You know this man was in the riots'. So, you know, that was it. I go in and I sit down... He (the Parole Board member) said this: 'You (are) charged with being in it (the riot), and we had better let the administration do what they want to do.'...So I was taken back to segregation... they gave me a slip, it was another 18 months sentence.

> This time I went back to the Parole Board (18 months later)... They just said, 'How you do?' And I said, 'Okay,' I looked on the slip (of paper), I was going home in 6 days, you know, with no job, no nothing. (Vol. IV, pp. 287-290)

A repeated complaint of inmates to the Advisory Committee revolved around the Parole Board's lack of communication with them. In almost all cases, they said that they were not informed of the reasons for a "hit" (denial of parole), nor were they told what to do to improve their chances of obtaining parole. They were told numerous stories of what they felt were diligent efforts in school and on work assignments to impress the Parole Board which resulted only in their receiving "another hit." They also cited many cases where the board granted or denied parole to an inmate when they felt that the opposite action seemed warranted. Since no explanation was given for the board's decisions and no definite criteria were specified, inmates found the entire process perplexing. In such situations, rumors would abound as to why a particular inmate was or was not granted a parole.

The McKay Commission Report cited an example of the apparent confusion in the process. All inmates with the same minimum senterces are eligible for parole at the same time and are brought before the board. This policy would seem to imply that the nature of the crime is irrelevant, and that time served and behavior in the institution are the relevant factors. However, inmates who are convicted of violent crimes, particularly sex offenses or armed robbery, are not likely to be released on their first appearance before the board.

The McKay Commission Report concluded:

> Far from instilling confidence in the Parole Board's sense of justice, the existing procedure merely confirms to inmates, including those receiving favorable decisions, that the system is indeed capricious and demeaning.[14]

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14. Attica, p. 99.

Another aspect of the system that was criticized by inmates and by those who have reviewed parole procedures is the dual requirement of finding an acceptable job and a suitable residence. Most inmates who receive favorable action by the board are placed on "open date-own program" status. The inmate then begins the process of locating a suitable residence, and what is much more difficult, an acceptable job. Once the inmate locates a residence and a job that are approved by the Parole Board, he or she may be released any time after the open date.

Initially, the inmate receives no assistance from the parole officer in his search for a job. For many inmates, it is difficult to find an employer who will hire someone then in prison. If the inmate has not found a job in 2 months, the Division of Parole offers counseling, and sometimes specific leads to jobs. If the inmate has not found a job in 6 months, he or she goes before the Parole Board for consideration as to whether the open date should be continued. In some cases, inmates may be released without having found a job if circumstances are present which indicate to the Parole Board that the inmate will be self-supporting.

Leonard R. Witt, the department's staff member who is responsible for employment services to parolees, told the Advisory Committee:

> The policy is this: We expect every able-bodied prospective parolee to make his own efforts and develop his own job. We do release individuals without jobs, without employment. We've been doing this since 1958... Last year we released ... 1,651 (inmates). Last year over 40 percent of the inmates released were released on this basis. (Vol. II, p. 166)

The Advisory Committee asked Chairman Regan about another allegation in the McKay Commission Report:

> The Advisory Committee: Is it true that in the ordinary course, only one person would engage the person who is appearing before the board, while the others are reviewing files for the upcoming persons?

> Mr. Regan: Well, all I can know is my own experience on the board--12 1/2 years--and I will say that this is true probably about 30 percent of the time, like you say...but when you read the case that you're going to have, you develop an ability to also listen to what's going on....But generally speaking, probably you're right.... (Vol. IV, pp. 196-197)

The Parolee

A number of inmates who were interviewed by Advisory Committee members during their visits to correctional facilities were parole violators. These inmates were sharply critical of numerous rules by which they had to live when on "the outside." The McKay Commission Report commented:

> Some of the regulations are innocuous exhortations to lead a 'law-abiding,' 'honest,' 'upright,' and 'industrious' life. Others are equally innocuous but are commandments to 'abstain from wrongdoing' and to avoid 'association with evil companions or any individual with a criminal record.' Revocation of parole on these grounds alone is not frequent.[15]

Several of the parole violators with whom Advisory Committee members talked alleged that their parole officers were prejudiced against them and said that the regulations were used to harass them. One inmate reported parole revocation for living with his common-law wife, with whom he had fathered several children. In another case, an inmate reported that his parole officer refused him permission to obtain a driver's license when it was a requirement for a good-paying job which the inmate had obtained. In these cases, parole violators said they thought these regulations were applied inequitably.

The McKay Commission's study of 60 parole revocations found that "absconding" was the most common reason for returning a parolee to prison. The Commission reported that in such cases

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15. Attica, p. 99.

it is assumed that usually the parolee believes he will be returned to prison for other reasons--"such as a return to drugs or...failure to work."

The McKay Commission Report summarized several other conditions of parole:

> The Parole Board's regulations also cover the more mundane aspects of life. A parolee is required to 'consult' his parole officer before marrying and cannot live with a woman who is not his legal wife. A parolee cannot vote. He is required to 'avoid the excessive use of intoxicating beverages' and to abstain completely, if so directed by his parole officer. He cannot obtain a drivers license or own and operate an automobile without his parole officer's consent. Nor can he correspond with friends still in prison without permission. Some inmates look upon parole regulations as being so restrictive that they feel 'being on parole is as bad as being in jail.'[16]

Chairman Regan told the Advisory Committee of one change in a rule cited by the McKay Commission:

> The Advisory Committee: Is there still a condition that a man cannot live with anybody other than his spouse?
>
> Mr. Regan: Now you've hit me on a very tender spot. We've changed the rules. (Vol. IV, pp. 177-178)

Another common complaint heard by the Advisory Committee from parolees and inmates was that a difference in ethnic and cultural background between the parole officer and the parolee makes effective communication difficult. Although complete statistical data listing parole staff by race, sex, and area of residence were not provided by the State as requested, officials and inmates interviewed confirmed that the parole officers are rarely of the same ethnic or cultural background as the minority inmates and they fail to relate to the needs of a large segment of New York's prison population.

There is no system for changing the parole officer to whom an inmate is assigned.

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16. Attica, p. 100.

Many poor and inner city parolees return to neighborhoods where friends and relatives have been in trouble with the law at some time. There is a regulation that parolees may not associate with ex-convicts. Some ex-offenders told the Advisory Committee that such a rule was extremely difficult to abide by for a number of parolees, and that it reflected an insensitivity to the majority of New York State's prison population. Chairman Regan told the Advisory Committee that such a rule would not be enforced very often.

Employment was cited as another major problem for the ex-offender. Eleanor Holmes Norton, Chairperson of the New York City Commission on Human Rights, estimated that there were approximately 100,000 persons coming from the correctional system (encompassing city, State, and Federal courts and jails) into the city of New York each year. With respect to job opportunities open to them, she said:

> What confronts the ex-offender seeking a job is a network of barriers, legislative, administrative and attitudinal, that exclude him or her from most public and private employment.
>
> Approximately 72 laws found in various parts of the Consolidated Statutes of New York totally or substantially close the doors to more than 50 occupations, licenses or privileges for anyone convicted of a felony or even a misdemeanor. (Vol. I, pp. 101-102)

Other testimony on this subject related to the special problems of the female ex-offender, pointing out that the female has all of the problems of the male offender, plus special problems related to her sex. Judith Weintraub, a representative of the Correctional Association of New York, spoke of the added burden which minority women must bear:

> You have first of all the stereotype of being a minority member, as so many of the ex-offenders are. That's one stereotype with all its impending problems. On top of that you have all the problems of being an ex-offender, which are many. You add to that the problems of being a woman. And if you've got one with a drug history, you're dealing with a quadruple minority, in effect. (Vol. IV, p. 243)

Advisory Committee Conclusions
about the Parole System

1. The number of Parole Board members, the time spent at each institution, and the time devoted to each inmate are inadequate.

2. There are no established written criteria for granting or denying parole, and inmates are not clearly informed of the reason why parole is granted or denied. As a result, the Parole Board decisions lack the rudiments of due process and seem arbitrary and irrational to the inmates. This process is not conducive to rehabilitation. The arbitrariness not only fails to foster a sense of justice but reinforces the inmate's view of an oppressive society.

3. Many of the conditions of parole by which the released inmate must abide are too restrictive and do not take into consideration the environment to which many inmates, especially minority group persons, are forced to return.

4. There is an urgent need for more parole officers who can relate to the needs and problems of racial and ethnic minorities.

5. The legislative, administrative and attitudinal barriers which face the job-seeking ex-inmate upon release are a major obstacle to permanent rehabilitation of the ex-offender.

IX - RECOMMENDATIONS

The Department of Correctional Services

1. Old, large, outmoded, and physically isolated facilities should be closed down. Smaller, community-based facilities should be greatly expanded.

2. Procedures should be established for a qualified management review team to independently and objectively review the performance of all superintendents and other senior supervisory personnel, with special reference to their sensitivities to the needs of racial and ethnic minorities and women. Those who do not fit into a modern system of penology should be removed.

3. Variations in policy, procedures, and practices from one institution to another should be further reduced.

4. Programs for the human relations training of correction officers, including group counseling with inmates, should be greatly expanded and should include non-uniformed employees and department staff in Albany, as well. Demonstrated capability in human relations should be a requirement for employment in the custodial force.

5. Vacancies among non-uniformed employees at the institutional level should increasingly be filled by minority group members. The goals and scope of the

minority recruitment program for correction officers should be expanded. To remedy past failures and facilitate the rapid distribution of minority personnel throughout the system, transfer lists should be eliminated or dual transfer lists should be established for each institution (one for minority and one for majority personnel), and appointments made by alternating between lists.

6. All censorship of mail and reading matter should be eliminated.

7. A committee composed of persons experienced in the development of educational programs in the inner city (for example, the Urban League's Street Academies and the alternative schools), and including former inmates, should be appointed to evaluate the prison educational system and to make recommendations to the department for making the system more relevant to inmates' needs.

8. The development of a Puerto Rican or Hispanic studies program with instruction and instructional materials in Spanish should be expanded to all institutions as soon as possible. Academic courses to prepare Spanish speaking inmates for the high school equivalency examination should be offered in Spanish.

9. The inspector general service should be expanded to include black and Spanish speaking personnel, other minorities, and women. Legal services should be available in correctional facilities.

10. A committee of experts in the field of intergroup relations, also including former inmates, should review on an ongoing basis the status of the minority inmate in the system. It should make recommendations to the department for dealing with racial differentials in the system and for developing meaningful and constructive ethnic studies programs.

Clinton Correctional Facility

11. Immediate steps should be taken to increase drastically the number of black and Puerto Rican correction officers and other staff assigned to the institution to remedy the imbalance between minority inmates and minority correction officers.

12. The Department of Correctional Services should assign a qualified team to thoroughly review the institution's educational system, procedures for assigning inmates to work, and the administration of discipline. The team should submit recommendations to the Commissioner for revision of present procedures, including the removal or demotion of personnel where appropriate.

13. The present superintendent of the institution should be replaced by an administrator with a thorough knowledge of modern penology who is sensitive to the needs and aspirations of minority group inmates.

Bedford Hills Correctional Facility

14. Academic and vocational course offerings, and work, study, and volunteer release programs should be greatly expanded. Any sex stereotyping in these programs should be abandoned.

15. The policy of requiring a 2-week quarantine of new inmates and the policy of requiring sick inmates to be confined to segregation-type quarters that are not hospital facilities should be abolished immediately.

16. A gynecologist should be available to the inmates.

Health and Medical Care

17. The Director of Prison Health Services should be replaced by a person with broad training and experience in community, institutional, or public health medicine.[17] This person should be charged with setting and enforcing standards of health care for the entire correctional system.

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17. Dr. James P. Bradley resigned and was replaced by Dr. Ian T. Louden in June 1973.

18. A medical care advisory board should be appointed immediately, consisting of expert health professionals and including present or former employees and inmates, with an adequate staff, to conduct a thorough review of the health care system and to recommend broad reforms. Included should be a review of the psychological and emotional needs of inmates, the need for self-help health courses, and for Spanish speaking health personnel. This advisory board, or a similar board, should conduct regular, annual reviews of the system.

19. Efforts should be made to affiliate correctional institutions with major medical centers and medical schools. These associations, however, should be broad based and include departments of community medicine and public health to ensure comprehensive planning.

20. The program should be designed to meet the health needs of inmates, rather than to exploit inmates for teaching purposes. A major program for training inmates for health services occupations should be established in cooperation with a strong, State-supported school. Such a program could provide staff for institutions themselves while also providing inmates with the means to develop a productive and socially useful life after release. These health workers should not be confined to hospitals, but should function throughout the institutions, thus bringing health services to every area of the facilities.

Temporary Release

21. As a means of greatly accelerating temporary release programs and motivating over-cautious institutional administrators, the Department of Correctional Services should establish numerical goals and timetables for each institution for each type of release program--work, educational, and volunteer. Institutions would be rated by their ability to develop release programs for a given number of inmates in the time period specified.

22. Study release programs should be expanded to high school level courses and to vocational and manpower training programs.

Parole

23. The size of the Parole Board should at least be doubled to reduce caseloads at hearings, and the board should spend at least a full week at a time at each institution. Newly appointed board members should be representative of the cultural and ethnic make up of the inmate population.

24. Written criteria for granting or denying parole should be established and the element of due process should be made part of parole hearings. Reasons for denial should be given to inmates in writing. The decisions of the Parole Board should be appealable, not only to the full Parole Board, but to a State court.

25. The system used by the Minnesota Department of Correctional Services, whereby an inmate contracts with the Parole Board to complete certain requirements before he or she may make parole, should be adopted. These requirements, such as training for a job or taking educational courses, should be tailored to individual needs. In this system, the institutional parole officer becomes an advocate for the inmate in helping him or her to fulfill the requirements.

26. The Governor or the State Legislature should appoint a commission to study the legislative and administrative barriers to employment and training of ex-offenders, and recommend repeal of inappropriate laws and policies.

APPENDIX A

Response of Nov. 16, 1973, by Dr. James P. Bradley, former medical director, New York State Department of Correctional Services, to the draft report on the State correctional system prepared by the New York Advisory Committee.

JAMES D. BRADLEY, M. D., F. A. C. S.
CONSULTANT—SURGERY OF TRAUMA
PHONE 561-2830
AREA CODE 518

OFFICE ADDRESS:
CUMBERLAND HEAD
PLATTSBURGH, N. Y.
½ MI. NORTH OF FERRY
BOX 185

MAILING ADDRESS:
P. O. BOX 930
PLATTSBURGH, N.
12901

16 November, 1973

Jacques E. Wilmore, Regional Director
UNITED STATES COMMISSION ON CIVIL RIGHTS
Northeastern Regional Office
The Federal Building
26 Federal Plaza, Room 1639
New York, New York 10007

To Whom It May Concern:

Letter dated 6 November, 1973, received by the undersigned on 13 November, 1973.

I object to the publication.

James D. Bradley, M.D.

cc: Peter Preiser, Commissioner
File

JDB:mbb

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